



TOWN OF DAVIE

Davie Town Hall: 6591 Orange Drive, Davie, Florida 33314 Phone: (954) 797-1000

REGULAR MEETING

APRIL 4, 2007

7:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. OPEN PUBLIC MEETING

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1 January 17, 2007 (Regular Meeting)

4.2 February 7, 2007 (Regular Meeting)

Parade Permit (5K Run)

4.3 A Child is Missing, Inc. (April 29, 2007)

Resolutions

4.4 **TRUSTEE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPOINTING MERRILL LYNCH BANK & TRUST CO., FSB AS TRUSTEE FOR THE TOWN OF DAVIE DEFERRED COMPENSATION PLAN; AND PROVIDING AN EFFECTIVE DATE.

4.5 **GRANT AWARD CALCULATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE FLORIDA COMMUNITIES TRUST GRANT AWARD CALCULATION STATEMENT FOR THE DAVIE FARM PARK PROJECT.

4.6 **DECLARATION OF RESTRICTIVE COVENANTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF RESTRICTIVE COVENANTS WITH THE FLORIDA COMMUNITIES TRUST FOR THE DAVIE FARM PARK PROJECT SITE.

4.7 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD FOR THE PROVISION OF SUMMER FOOD MEAL SERVICE FOR THE TOWN'S FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM.

- 4.8 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, ADOPTING THE LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR 2007/08 TO 2009/10 UNDER THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ESTABLISHMENT AND ADMINISTRATION OF A JOINT LOCAL HOUSING ASSISTANCE PROGRAM FOR 2007/2008; APPROVING DAVIE'S SHIP HOUSING DELIVERY GOALS/BUDGET STRATEGIES FOR FY 2007/08; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.9 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND FIRST AMERICAN TELECOMMUNICATIONS FOR PAY TELEPHONES. (\$332.50/month less revenues)
- 4.10 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN AND ZAMBELLI FIREWORKS, MANUFACTURING CO., INC. d/b/a ZAMBELLI FIREWORKS INTERNATIONALE FOR AN INDEPENDENCE DAY FIREWORKS DISPLAY. (\$20,000)
- 4.11 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND LARUE PLANNING AND MANAGEMENT SERVICES, INC. FOR MISCELLANEOUS PLANNING SERVICES.
- 4.12 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND DUNCAN ASSOCIATES FOR MISCELLANEOUS PLANNING SERVICES.
- 4.13 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND ILER PLANNING GROUP FOR MISCELLANEOUS PLANNING SERVICES.
- 4.14 **ARCHITECTUAL SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRMS OF CPZ ARCHITECTS, INC. AND ACAI ASSOCIATES, INC. TO PROVIDE MISCELLANEOUS ARCHITECTURAL SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AGREEMENTS FOR SUCH SERVICES.
- 4.15 **RELEASE OF SECURITY LIEN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A RELEASE OF LIEN RELEASING A SECURITY LIEN TO SECURE THE REQUIRED SUBDIVISION IMPROVEMENTS FOR THE DASILVA PLAT; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.16 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A TRAILER MOUNTED SEWAGE PUMP. (\$49,856 - Premier Pump, LLC)

- 4.17 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE “STONE BRIDGE ESTATES” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. . (P 3-2-06, Stonebridge Estates, generally located on the southwest corner of SW 26 Street and Flamingo Road) [see related items 4.19 and 6.1] *Planning and Zoning Board recommended approval subject to the understanding that the Board was not making a judgment on the appropriateness of the SW 26 Street access*

Quasi-Judicial Consent Agenda

- 4.18 SPM 12-03-06, Garden Mausoleum #3, Forest Lawn Memorial Gardens South, 2401 SW 64 Avenue (A-9, Cemetary District - Broward County) *Site Plan Committee approved subject to the planning report*
- 4.19 MSP 11-2-05, Stonebridge Estates, generally located on the southwest corner of SW 26 Street and Flamingo Road (AG) [see related items 4.17 and 6.1] *Site Plan Committee recommended approval based on the seven items left over from the last meeting and the following: 1) that the applicant provide tree wells or retaining walls as required for the trees which were to remain and which the applicant would build around; 2) that the entrance road would not have any driveways connected onto it (just for that length of road that comes from Flamingo Road down to the loop); 3) check with Central Broward Water Control District on the berm and drainage easement; 4) add the sidewalk on the west side of the entrance road that enters the loop; 5) add 2x4 wood barricades for tree protection on all trees slated to remain on the tree landscape plan; 6) have a minimum Code black vinyl chain-link fence that separates the recreation trail from the site to be constructed before land development and to have gates from each lot into that pedestrian trail; 7) that the sheet L-1, dated 3/6/07 mitigation, will be done before the first certificate of occupancy is issued at this project; 8) that the southern property line and a portion of the western property line be cleaned up and the fence repaired (clean up is defined as removing the “invasive and exotics” on the applicant’s property and those that have fallen onto the applicant’s property); 9) that on each of the seven southern lots and when the landscaping was installed for the house that was being built, that four Oak trees 14-feet tall, be planted on each of those lots in addition to the Code requirement; and 10) that if the Central Broward Water Control District does not grant the variances that are needed, return to show the revisions to the Committee*

5. DISCUSSION OF CONSENT AGENDA ITEMS

6. PUBLIC HEARING

Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held April 18, 2007)

- 6.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-1-05, Rhon Ernest-Jones Consulting Engineers/Nichols Associates, Ltd., southwest corner of Flamingo Road and SW 26 Street) (tabled from April 4, 2007) [see related items 4.17 and 4.19] *Planning and Zoning Board recommended approval*

Quasi-Judicial Items

- 6.2 **VARIANCE** - V 12-1-06 Moses, 2353 SW 132 Way (A-1) (to reduce the south side setback from 30 feet to 25 feet in order to accommodate an addition to the existing home) *Planning and Zoning Board recommended approval*
- 6.3 **SPECIAL PERMIT** - SE 9-1-06 Stiles Corporation d/b/a Stiles Landscape Company, 2100 SW 154 Street (A-1) (to allow the installation of a modular trailer to be used as a storage and shelter office and to allow the staging of mulch on the subject property) *Planning and Zoning Board recommended approval subject to the posting of a sufficient bond to be set by Town Council for pest removal and road repairs if required; and a note to Council - it was the consensus of the Board that the special permit was not required for the "use"*

Item to be tabled

- 6.4 **STAFF REQUESTING A TABLING TO MAY 16, 2007**
AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE IV, SECTION 12-54, NON-RESIDENTIAL PERFORMANCE STANDARD – COMMERCIAL CONSERVATION; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XII, SECTION 12-375, MASTER PLANNED DEVELOPMENTS; AND ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE UNDERLYING LAND USE CLASSIFICATION IS INDUSTRIAL AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

7. APPOINTMENTS

- 7.1 Mayor Truex
- 7.1.1 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)
- 7.1.2 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)
- 7.1.3 Water and Environmental Advisory Board (one exclusive appointment; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

- 7.1.4 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)
- 7.2 Councilmember Luis
 - 7.2.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)
- 7.3 Councilmember Starkey
 - 7.3.1 Airport Advisory Board (one exclusive appointment; term expires December 2007)
 - 7.3.2 Mobile Home Task Force (one exclusive appointment - representing a mobile home park owner/manager)
 - 7.3.3 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)
- 7.4 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

8. OLD BUSINESS

9. NEW BUSINESS

10. MAYOR/COUNCILMEMBER'S COMMENTS

11. TOWN ADMINISTRATOR'S COMMENTS

12. TOWN ATTORNEY'S COMMENTS

13. ADJOURNMENT

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THIS BOARD OR COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSES, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at 954-797-1023 at least five business days prior to the meeting to request such accommodations. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8700 (voice) or 1-800-955-8771 (TDD).

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TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assisatnt Town Clerk (954) 797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Council minutes from January 17, 2007

AFFECTED DISTRICT: n/a

TITLE OF AGENDA ITEM: January 17, 2007 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the January 17, 2007 Council meeting

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Motion to approve

Attachment(s): Minutes

TOWN OF DAVIE
REGULAR MEETING
JANUARY 17, 2007

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Crowley, Councilmembers Caletka, Paul and Starkey. Also present were Town Administrator Shimun, Town Attorney Jim Cherof, and Town Clerk Muniz recording the meeting.

Mayor Truex advised that the applicant for item 3.7 had requested a tabling to February 7, 2007.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex to table item 3.7 to February 7, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 3.27 needed to be added to the agenda.

Councilmember Starkey made a motion, seconded by Mayor Truex, to add item 3.27 to the agenda.

Councilmember Caletka said he did not know what this item was, and would not support adding it to the agenda. Vice-Mayor Crowley noted that there was no backup on the item and Mayor Truex said someone would explain the item.

In a voice vote, with Vice-Mayor Crowley and Councilmember Paul opposed, all voted in favor. (Motion carried 3-2)

3. APPROVAL OF CONSENT AGENDA

Minutes

- 3.1. October 18, 2006 (Regular Meeting) (tabled from January 3, 2007)
- 3.2. November 1, 2006 (Regular Meeting) (tabled from January 3, 2007)

Parade Permit

- 3.3. 70th Annual Orange Blossom Parade (February 24, 2007)

Resolutions

- 3.4. **DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DELETION TO THE NON-VEHICULAR ACCESS LINE OF THE "W.A.B. II INVESTMENTS," AND PROVIDING AN EFFECTIVE DATE.** (DG 5-1-06, Eddie's Collision Experts, 4375 SW 60 Avenue) (tabled from December 20, 2006)
R-2007-11
- 3.5. **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "GRIFFIN LANDMARK" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.** (P 12-2-05, Griffin Landmark Building, generally located east of the Turnpike on the north side of Griffin Road) *Planning and Zoning Board recommended approval subject to the planning report (reconsidered at the December 20, 2006 meeting and then tabled to January 17, 2007)*
R-2007-12

- 3.6. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING FOR THE AMENDING OF THE PLAT NOTE RESTRICTION OF THE "PINE ISLAND COMMERCIAL," AND PROVIDING AN EFFECTIVE DATE. (DG 2-3-06, Pine Island Office Centre, 8501 Orange Drive) (tabled from December 20, 2006)
- 3.7. **MEMORANDUM OF AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT TO MODIFY BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND FERNCREST UTILITIES TO PROVIDE BULK WATER AND SEWAGE SERVICE; AND PROVIDING AN EFFECTIVE DATE. (tabled from December 20, 2006)
- 3.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AMENDMENT TO AN EXISTING LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND AMERICAN TOWER CONCERNING THE MONOPOLE TELECOMMUNICATIONS TOWER LOCATED AT 3600 FLAMINGO ROAD; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from January 3, 2007)
- 3.9. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "LORSON PLAT" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 4-1-06, Lorson Plat, 5355 SW 76 Avenue) (tabled from January 3, 2007) *Planning and Zoning Board recommended approval*
- 3.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF DAVIE, FLORIDA FOR THE USE OF THE BERGERON RODEO GROUNDS FOR A BARREL RACING CLINIC AND WAIVING FEES. (\$1,000 arena rental)
- 3.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN TEEN CHALLENGE INTERNATIONAL FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR NATIONAL RECOVERY MONTH EVENTS AND WAIVING RENTAL FEES IN PART. (\$750 arena rental)
- 3.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN ISLAND AWARDS, INC. AND THE TOWN OF DAVIE TO RENT THE BERGERON RODEO GROUNDS FOR A CARIBBEAN FESTIVAL. (\$1,000 arena rental)

- 3.13. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-17 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A DEPARTMENT OF TRANSPORTATION DISTRICT FOUR (4) MAINTENANCE MEMORANDUM OF AGREEMENT (FM #413796-1-52-01) FOR TRAFFIC WAYS BEAUTIFICATION FOR UNIVERSITY DRIVE WITHIN THE TOWN OF DAVIE AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.
- 3.14. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2007-18 FLORIDA, APPROVING AN EXTENSION OF THE EXISTING CONTRACT WITH CPZ ARCHITECTS FOR MISCELLANEOUS ARCHITECTURAL SERVICES.
- 3.15. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2007-19 FLORIDA, APPROVING AN EXTENSION OF THE EXISTING CONTRACT WITH SALTZ MICHELSON ARCHITECTS FOR MISCELLANEOUS ARCHITECTURAL SERVICES.
- 3.16. **CONTRACT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2007-20 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT 4 TO THE CONTRACT BETWEEN THE TOWN AND FIRST VEHICLE SERVICES FOR GARAGE MAINTENANCE OPERATIONS, AND PROVIDING FOR A TARGET BUDGET. (\$1,380,835)
- 3.17. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2007-21 THE MAYOR TO ACCEPT THE BID RECOMMENDATION FOR THE “PAVILION AT MATH IGLER PARK.” (\$30,353)
- 3.18. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-22 AUTHORIZING THE SUBMISSION OF THE ORANGE PARK N-29A CANAL IMPROVEMENTS PROJECT TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) FOR POTENTIAL GRANT FUNDING; AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT IF AWARDED; AND EXPRESSING THE INTENT TO UTILIZE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TOWARD THE PROJECT (\$376,352.50 GRANT REQUEST, WITH \$376,352.50 CDBG MATCH). (not budgeted)
- 3.19. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-23 APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIENS IN CASE NO. 01-081 FROM \$5500.00 IN AMOUNT TO \$1698.48 AND PROVIDING AN EFFECTIVE DATE. (Davila/Federman)
- 3.20. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-24 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR LEGAL SERVICES BETWEEN THE TOWN OF DAVIE AND THE LAW FIRM OF GOREN, CHEROF, DOODY, AND EZROL, P.A. TO PERFORM THE DUTIES OF THE TOWN ATTORNEY AND PROVIDING FOR AN EFFECTIVE DATE.

- 3.21. **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2007-25 **FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE**
TOWN OF DAVIE AND LITTLE CRITTER CORRAL, INC. FOR LIVESTOCK
GRAZING SERVICE AT ROBBINS LODGE PARK. (\$204/month revenue to Town)

Quasi-Judicial Consent Agenda

- 3.22. SP 6-1-06, Hidden Hollow - II, corner of SW 49 Street and SW 66 Terrace (RM-10)
Site Plan Committee recommended approval (tabled from December 6, 2006)
- 3.23. SP 12-5-05, Griffin Landmark Building, generally located east of the Turnpike on the north side of Griffin Road (Griffin Corridor District - Griffin Commerce Zone 4) *Site Plan Committee recommended approval based on the planning report along with the five waivers and subject to 23 comments: 1) try to get DOT to allow pavers along Griffin Road verses the concrete walk; 2) that the crosswalks across the main entry be done in pavers; 3) that there be paver sidewalks for the interior of the site; 4) that the lift station have a five-foot fence and landscaping around it; 5) move the loading space and increase the size for moving vans adjacent to the ramp to the parking in back at the northeast corner of the building subject to Engineering's approval; 6) at the north parking lot, at the angular turning radius, move the trees to allow a "visibility area" for that tight turn; 7) add two stop signs at the south entry to the parking garage and at the adjacent parking field intersection; 8) increase the exit area outside the elevator lobbies and parking, and add bollards; 9) readdress the photometric plan because several areas are too low, it should not be less than one-foot candles and should be two-foot candles against the building; 10) look at the AD access to the building from the street; 11) on sheet A-101, show the projection of the retail above; 12) on the building fenestrations, add some sort of a build out on the ends that replicate the color changes in the building as well as – pull the elevator lobby out to create a separate element and try to duplicate something similar to that on the opposite side (the Griffin Road side) of the building above the retail space; 13) look at the end stair tower which is facing the turn at Griffin Road, to try to make some sort of an element which is less utilitarian; 14) note that there is no useable area under the raised roof elements; 15) the landscaping plans go back to staff for review and to review the areas around the base of the building to determine if there is sufficient area for the landscaping as shown; 16) pay particular attention to the tightness of the area as shown and see that the appropriate materials are placed in that area; 17) the Committee questions the use of Italian Cypress along the lake side and Griffin Road as to whether this counted towards canopy trees; 18) look at adding building lights at the entrance and some decorative lighting to accent the building; 19) look at possibly adding concrete tree rings around the Royal Palms on Griffin Road; 20) see if DOT allows pushing the sidewalk towards the building and having the landscaping near the curb along Griffin Road; 21) add a toilet at the retail area; 22) add windows to the retail space plan on the floor plan to replicate what was done on the elevation; and 23) provide a color board (reconsidered at the December 20, 2006 meeting and then tabled to January 17, 2007)*
- 3.24. SP 5-4-05, Phase II - Eddie's Collision Experts, 4375 SW 60 Avenue (M-1) (tabled from November 15, 2006) *Site Plan Committee recommended approval subject to the planning report (tabled from December 20, 2006)*

- 3.25. SP 2-5-06, Pine Island Commercial, 8501 Orange Drive (B-2) *Site Plan Committee recommended approval based on the planning report and the following comments: 1) that there be crosswalks at both entries; 2) increase the Royal Palm trees to ten-foot of grey wood, 35-feet overall height; 3) screen as best as possible the "backflow preventers;" 4) provide some sort of speed control device coming off Pine Island; and 5) relocate the tree at the first parking space off the Pine Island entrance to somewhere at the front of the site* (tabled from December 20, 2006)
- 3.26. SP 12-4-05, Lorson Professional Campus, 5355 SW 76 Avenue (CC) *Site Plan Committee recommended approval subject to the planning report and the following: 1) that the road improvements along 76th Avenue for the length of the site have been agreed upon with the Engineering Department; 2) that the sidewalk and equestrian trail on the eastern side of the property be continued and extend north 330-feet within the existing right-of-way and with the approval from Florida Power and Light; 3) that the photometric at the entrance and in the parking areas be increased to a minimum of 1.5-candle foot; 4) that the two Royal Palm trees in front of the building be increased to 12-foot of grey wood; 5) that the trees located on the north property line must meet the FP&L requirements and be compatible with their code so it may be necessary to make some revisions in the tree selection; and 6) that the roof color be less orange than shown on the reproduction sample and be more compatible with the rendering elevations* (tabled from January 3, 2007)

Item to be added

- 3.27 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2007 LEGISLATIVE SESSION.

Councilmember Caletka pulled items 3.2, 3.5, 3.16, 3.19, 3.22, 3.23, 3.26 from the Consent Agenda. Councilmember Starkey pulled items 3.1, 3.8, 3.20. Councilmember Paul pulled items 3.6, 3.25 and 3.27. Councilmember Paul noted that 3.5, 3.23, 5.1 and 5.5 went together. Mayor Truex pulled item 3.9 to be heard with item 3.26.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve the Consent Agenda less items 3.1, 3.2, 3.5, 3.6, 3.8, 3.9, 3.16, 3.19, 3.20, 3.22, 3.23, 3.25, 3.26, 3.27. In a voice vote, all voted in favor. (Motion carried 5-0)

4. DISCUSSION OF CONSENT AGENDA ITEMS (these items were discussed later in the meeting)

3.1 Councilmember Starkey had requested a copy of the recording and had not received it yet.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table this item until the first meeting in March. In a voice vote, all voted in favor. (Motion carried 5-0)

3.2 Councilmember Caletka requested a copy of this recording.

Councilmember Caletka made a motion, seconded by Mayor Truex, to table this item until February 7, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex said in the future, he would not vote in favor of any requests to have verbatim transcriptions of portions of meetings.

Councilmember Caletka recommended that items 3.23, 3.5, 5.1 and 5.5 they should be heard together as they were related. Mayor Truex noted that two of the items were quasi-judicial.

3.23, 3.5, 5.1 and 5.5 Town Clerk Muniz swore in the witnesses. Mr. Cherof advised that the rules for quasi-judicial proceedings he had stated earlier applied.

Planning and Zoning Manager Bruce Dell entered all four planning reports into the record and summarized the reports.

Dennis Mele, representing the applicant, said he would specifically address questions Council had raised at the previous hearing, and provide them with any updates. Regarding notice, Mr. Mele explained that they had sent notice of this meeting and the community meeting to the Broward County Administrator and the Executive Director of the South Florida Water Management District directly. They had also notified all 100 units in the Griffin Gardens Apartments and 341 mobile home park residents within 1,000 feet. Mr. Mele reported that six residents had attended last night's community meeting, and two of those people were in attendance this evening. He said there was no community opposition.

Mr. Mele listed the conditions Council had noted on December 6, 2006 and said they agreed to abide by them: all staff recommendations, Site Plan Committee recommendations for Griffin Road landscaping, tree grates, pavers, hurricane glass in the building, gated access to the canal, and inclusion of four affordable housing units. The requests for the pedestrian walkway and traffic signal would not be possible per DOT. Mr. Mele said that the applicant had already received approval from Central Broward Water Control District for the paving and drainage plan.

Mr. Mele stated that the Transit Oriented Corridor (TOC) item had been tabled by the Broward County Commission and Commissioner Rodstrom had been concerned about noise corridors from the airport and how this plan might dovetail with that. Mr. Mele noted that before creating the TOC plan, a charette was held regarding the 411 corridor, and this project was consistent with the vision developed in that charette. He believed that the TOC would eventually be approved. He asked Council to support the project and invited their questions.

Mr. Cherof opened the public hearing portion of the meeting.

Doris Monier, 5305 SW 48 Street, thought she should have been notified, but was not. She felt seven stories was too high, would bring too much traffic, and would be too visible.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, said approval of this item was based on the belief that the TOC would be approved. She worried what would happen if the TOC was not approved, but this project was. Ms. Stenzel-Nowicki felt the residents would be stuck with a seven-story building that was inappropriate for the area. She was concerned about aviation and other traffic issues and worried that Council was "putting the cart before the horse."

Sylvia Clements said she had researched this issue and could not find a business called "Spear Group" currently in existence. She questioned if Mr. Mele had written the ordinance. Ms. Clements felt the traffic issues had not been addressed properly and the building height had been stated differently at different meetings. She thought there was also a discrepancy in the commercial square footage of the project. Ms. Clements felt the engineering report had not addressed 23 items.

Myrna Gallo did not feel this was true "affordable housing." She discussed the difficulty she would experience trying to find new housing.

Mr. Mele advised that Ms. Monier was not included in the notice area. He noted that the project met all traffic requirements and reiterated that the project was within what the charette had provided. Mr. Mele agreed that the applicant would produce an FAA letter prior to construction. Mr. Mele clarified the applicant's identity by pointing out that the applicant was sometimes referred to as the Spear Group, but was also referred to as Griffin Landmark LLC, which was the official applicant. Griffin Landmark was the owner of the property and was registered with the State. He advised that he had provided those documents on December 20, 2006. Mr. Mele said the applicant had agreed to meet the Town's requirements for affordable housing suggested at the December 6, 2006 meeting.

Mr. Mele provided Councilmember Caletka with a list of attendees from the previous evening's community meeting. Mr. Mele explained to Councilmember Paul that the applicant would comply with all the items from the site plan Committee and staff recommendations. Town Engineer Larry Peters

explained that all items would be addressed before the plans were approved and building permits were pulled.

Mr. Peters said he had been trying to get a crossing here for years. He explained that the Florida Department of Transportation (FDOT) required a pedestrian signal for pedestrian crossing, but also required a quarter mile distance separation, which could not be accommodated here. Mr. Peters felt there must be places where this distance separation was not strictly honored. He wanted the applicant to install the crosswalk and contribute toward the signal that he hoped would someday be installed. Mr. Dell said most Planning and Zoning comments were related to elevation and Central Broward Water Management, and would be taken care of.

Mayor Truex thought the pedestrian crossing would be more safely located at the light at 441. Mr. Peters said this was more appropriate, but pedestrians did not do this. Mr. Mele remembered promising to install the crosswalk at the December 6, 2006 meeting if DOT would allow it. He reminded Council that Griffin Road was a State Road and DOT had jurisdiction, and DOT wanted the traffic signal. Mr. Mele agreed to bring Mr. Peters to another meeting with DOT.

Council disclosed communications they had regarding this item.

Councilmember Starkey said she would support the project since it was in keeping with their ideas for the area. Councilmember Paul said her main concern had been the safe use of the driveway and the additional traffic. She felt they were “jumping the gun.” Councilmember Caletka said he was concerned about the crosswalk and the notifications. He thanked Mr. Mele for his work to re-notice the rental unit residents. Councilmember Caletka felt this was a good “litmus test” for the Town to support the TOC and advised that he would support it.

3.5 Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve, subject to the staff recommendations, the Site Plan Committee’s recommendations, the landscape items and brick pavers mentioned by Mr. Mele, the hurricane windows, the four affordable housing units, and another meeting with DOT and the Town Engineer regarding the crosswalks.

Councilmember Starkey suggested adding the C-11 canal access.

In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1) (Later in the meeting, Councilmember Paul stated that she had meant to vote in favor of this item. (Motion carried 5-0))

3.23 Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve item 3.23 subject to the same conditions. In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1)

3.6 Councilmember Paul wanted the clarification that this would never be a gas station.

The project architect confirmed that this would be an office building and agreed to a deed restriction.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to approve, based on a deed restriction that this would not be a gas station. In a voice vote, all voted in favor. (Motion carried 5-0)

3.9 and 3.26 Town Clerk Muniz swore in the witnesses. Mr. Dell summarized the planning reports.

Manny Synalovski, representing the applicant, concurred with staff comments, but was concerned about the request to extend improvements beyond their property frontage. He believed that some of the requested improvements would require dedications and agreed to meet every other request. Mr. Synalovski said he had brought this up at the Site Plan Committee meeting.

Mr. Cherof opened the public hearing portion of the meeting. As no one spoke, Mr. Cherof closed the public hearing.

Mr. Dell explained that the Site Plan Committee desired a trail and sidewalk to be extended, believing that FPL would never make this improvement. Mr. Synalovski remarked on what a “nightmare” it could be dealing with FPL and said he would contact them about this, but did not know how successful he would be.

Vice-Mayor Crowley supported eliminating that comment.

Council disclosed communications they had regarding this item.

Mayor Truex said he did not support this item and indicated that Council had always protected 76th Avenue. He felt they must “build significantly less or... get some other access.” Mr. Synalovski reminded Mayor Truex that the south half of SW 76th Avenue had already had its traffic significantly reduced. Mr. Synalovski questioned why this two-acre property should bear the responsibility of a 20-acre parcel that belonged to FPL. He said they had done all they could to maintain the character of SW 76th Avenue.

Vice-Mayor Crowley made a motion to approve item 3.9, subject to staff recommendation, Site Plan Committee recommendations and eliminating recommendation two regarding extending the equestrian trail through private property. The motion died for lack of a second.

Councilmember Caletka made a motion, seconded by Mayor Truex, to deny item 3.9. In a voice vote, with Vice-Mayor Crowley dissenting, all voted in favor. (Motion carried 4-1)

Councilmember Caletka made a motion, seconded by Mayor Truex, to deny item 3.26. In a voice vote, all voted in favor. (Motion carried 5-0)

3.16 Councilmember Caletka felt this was a lot of money and asked Mr. Shimun if they could realize any savings by putting the contract out to bid. Mr. Shimun said he could not guarantee it. Deputy Budget and Finance Director Menke stated there were other firms performing this service, but recommended granting the final extension to continue service through the fall. Staff could begin the bid process presently.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve with the recommendation to begin preparation for the bid. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

3.19 Councilmember Caletka said he had received an email from a resident concerning this.

Mr. Davila, the property owner, advised that he had not paid the fine in 2001 because he felt he had done nothing wrong, as he had never had a storage yard on the property. The case was the result of harassment by a neighbor. Councilmember Paul remembered visiting the property and was surprised this case was ongoing.

Danny Stallone, Code Compliance Official, advised that the case had resulted from a neighbor’s complaint that Mr. Davila was using the residential property as an extension of his business by operating a storage facility for boat items. The hearing before the Special Magistrate had been lengthy and there were questions regarding proper service. Mr. Stallone stated that the Town had incurred costs related to the Town’s request for their attorney to prepare a memo regarding the service requirements. He explained that it was determined that proper notice had been made, the complaints were based on fact, due process was afforded the respondent, the Special Magistrate had found a violation existed, and an order was issued ordering compliance. Another hearing was held proving the property was out of compliance for 11 days, and a fine was issued. A subsequent mitigation process had failed because Mr. Davila did not want to pay any fine. Several years later, the liens appeared on a title search, and the Town had instructed the title company to put the funds in escrow. During the mitigation, Mr. Davila admitted there was a boat on the property that did not belong to him, violating the terms of the original agreement from 2001.

Mr. Stallone explained that the original fine of \$5,500 had increased to \$8,400 as the result of interest. The title company had sent the funds to Mr. Stallone’s office, and Mr. Davila requested mitigation. Compliance was confirmed in the fall, and staff proceeded with the mitigation.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to set the lien amount at \$2,250.

Lloyd Phillips, 14220 SW 29 Court, said the mitigation amount on the agenda was \$1,698.48.

In a voice vote, with Councilmember Paul and Councilmember Caletka dissenting, all voted in favor. (Motion passed 3-2)

3.20 Councilmember Starkey wanted an amendment that the attorney would not do business with Town employees, directors, the Town Administrator, etc. She provided Mr. Cherof with the text to insert, which he had no objection to this.

Mayor Truex wanted paragraph 3, to reflect the Town Charter's language. Mr. Cherof did not object.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve, with Section 3 to be consistent with the Charter language and to add a provision that during the term of this agreement, neither the law office or its associates would provide any personal legal matters unrelated to the Town of Davie specifically, with the specifics she had submitted. In a voice vote, all voted in favor. (Motion passed 5-0)

3.22 Town Clerk Muniz swore in the witnesses.

Mr. Dell summarized the planning report.

Jeff Evans, representing the applicant, said he had addressed all the planning report's questions, and he was currently handling the Central Broward Drainage District question. He explained he had built the first three "green" homes in Broward County and listed some items that contributed to green design.

Mr. Cherof opened the public hearing portion of the meeting. As no one spoke, Mr. Cherof closed the public hearing.

Mr. Peters confirmed that Mr. Evans had met all engineering concerns. Regarding the 49th Street improvements, Mr. Evans had agreed to make a contribution instead of making improvements.

Council disclosed communications they had regarding this item.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley to approve, subject to staff recommendations. In a voice vote, all voted in favor. (Motion passed 5-0)

3.27 Town Clerk Muniz explained the item to Council.

Councilmember Paul reported that she said she had received a letter from County Commissioners Rodstrom and Wexler stating concerns about the League of Cities, and she wanted additional time to research the item.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley to table this item to February 21, 2007. In a voice vote, all voted in favor. (Motion passed 5-0)

5. PUBLIC HEARING

Ordinances - Second and Final Reading

- 5.1. **CODE AMENDMENT** - AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, BY AMENDING SECTION 12-32.304 – PERMITTED, RESTRICTED AND PROHIBITED USES OF THE GRIFFIN CORRIDOR DISTRICT BY AMENDING THE PERMITTED USES IN THE GRIFFIN COMMERCE ZONE 4 DISTRICT TO ALLOW RESIDENTIAL USES, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (ZB(TXT) 12-1-05, The Spear Group/Griffin Landmark, LLC, generally located east of the Turnpike on the north side of Griffin Road) (tabled from January 3, 2007) *Planning and Zoning Board recommended approval* **{Approved on First Reading on December 6, 2006. The vote was as follows: Mayor Truex - yes;**

Vice-Mayor Crowley - absent; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes}

Town Clerk Muniz read the ordinance by title.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve, subject to the same conditions as item 3.5. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 4-1)

- 5.2. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-2-05, Vietnamese Buddhist Cultural Center of FL Inc., 2321 SW 127 Avenue) (from A-1 to CF) (tabled from November 15, 2006) *Planning and Zoning recommended approval subject to not having to contribute to the “traffic calming phantom fund,” however, they had to improve the roadway {Approved on First Reading on October 18, 2006 subject to limiting the number of people living on the property to eight people living; the property is deed restricted to only the Vietnamese Buddhist Cultural Center; if a sale takes place, the property shall revert to the A-1 zoning designation; if a special event takes place, the Vietnamese Buddhist Cultural Center has to come back to Council for a temporary use permit for no more than four events per year; and if more than 100 people are at the event on the property at one time, another option will be required. The vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes}***

Earlier in the meeting, Mr. Cherof read the rules of evidence and Town Clerk Muniz swore in the witnesses. [Items 5.2 and 5.7 were discussed at the same time.]

Deputy Planning and Zoning Manager Marcie Nolan summarized the planning report for item 5.2.

Neal Kalis, the applicant's representative, said the applicant concurred with the staff report, and added that even though he questioned whether they were legally supportable, his client had agreed to the conditions requested by Council at the first reading. He discussed the concept of freedom of religion and his clients' flight from Vietnam to the United States, where they would be permitted to practice their religion. Mr. Kalis referred to the Religious Land Use and Institutionalized Persons Act that forbade government from imposing more restrictive requirements than were necessary on a person's ability to practice their religion. He said that he had met with Mr. Peters to address the transportation and drainage issues on the property. Mr. Kalis felt that denying the rezoning would not be permissible under the laws he had cited, including the Florida Religious Freedom Act. He felt a denial based on loss to the tax base would violate the law as well, and was tantamount to declaring there was no place in Davie for community facility zoning where there was a house of worship. Mr. Kalis pointed out that there were several other religious institutions in proximity to his clients' property, more than one of which had received rezoning in the past.

Mr. Kalis related that at present, there were 48 members of the Center, and they anticipated growing to perhaps 200. He explained there were two services on Sunday, and his client estimated that a maximum of 30 to 40 cars would be present. Mr. Kalis explained that his clients would bring a “cultural and religious diversity that this country was founded on” and would “add to the community in a great way.” He presented 490 petitions from Davie residents in support of his clients' request.

Mr. Peters confirmed that he had agreed during his meeting with Mr. Kalis that after proposed improvements had been made to 127th Avenue, it could handle traffic generated by the Center.

Ms. Nolan summarized the planning report for item 5.7.

Mr. Kalis questioned whether Code requirement 12-34(DD), requiring a 2,500-foot separation between houses of worship was constitutional or legal, and he felt it was not being applied correctly. He reminded Council that it had approved the variance on October 18th, and some residents had subsequently indicated they should have received notice but had not, prompting a vote to reconsider the matter. Mr. Kalis stated his belief that the notice requirement had been proper the first time.

Mr. Cherof opened the public hearing portion of the meeting.

John Ufheil, 9410 Live Oak Place, described the religious transitions in the Town over the years. He felt that each new church had brought “dignity and a growth into Davie which it needed.” He felt Davie still needed growth “by the type of people that want to practice that religion on that little strip of land on 127th Avenue.”

Tam Pham, one of the monks who lived at the Center, thanked the Town for welcoming them and the neighborhood for supporting them. He thanked those who had signed the petitions supporting the rezoning. He reiterated that they currently had 48 members and two services on Sundays, with three special celebrations per year. Mr. Pham said they had fled Vietnam seeking a place to practice their religion. They were happy to find their current location and asked Council to help them.

Tina Frenetic said the Cultural Center had worked very hard and done everything the Town had requested. She felt traffic was not even an issue and did not understand what the problem was. Ms. Frenetic asked Council to help the Center stay in Davie.

Richard Otter, 561 Abingdon Way, stated that “cultural diversity is priceless” and felt that Buddhism brought balance to the community and would enrich the Town.

Michelle Gillee said that she had learned a lot from the Buddhist monks that had benefited herself and her family and prevented her from making the bad choices some of her friends had made.

Hanh Truong, 12735 SW 4 Street - Miramar, said the Cultural Center had helped young adults in the community to reduce violence. He asked Council to consider the benefits the Center provided and asked for their help.

Sam Lee, a Davie resident, said it was important that the Temple stay because there were no other temples nearby. She noted that children also learned Vietnamese at the Temple and asked Council to support them.

In Cho, Chair of the Vietnamese Community of Florida, said they had a long relationship with the Center and it was very important. He asked Council to approve the request.

Thomas Vo, 6201 SW 37 Street, said denying the request might deprive the younger generation of an opportunity to benefit from the Center, and urged Council to support it.

Meng Win, a Temple member, discussed the benefits of having the Temple in Davie and how important it was to keep it here.

Trae, operator of a West Palm Beach temple, said they had experienced problems at first in West Palm, but they were now accepted in the community. He stated his support for the Davie temple.

Khen Fung, a Temple member, explained he had designed the Temple’s site plan, and they had met all requirements and suggestions the Town had made. He asked Council for their support.

Wing, a Temple member, said he supported the Center.

Chao Trav Van, a monk from the Center, felt they could make a rich contribution to American culture.

Lily, a Buddhist, discussed help the Temple had given her. She asked the community to open their hearts and give the Center an opportunity to share.

Thai Ann Tran, 2651-4 East Avon Boulevard - Sunrise, said the Temple was the only place nearby she could go on Sunday and indicated that she previously had to drive to Miami. She asked Council to support the Center.

Maude Vittel, 15 Manor - Summer Lake, agreed that having the Center in the community would be an enriching experience, but was concerned about the future growth. She objected to Center’s request for rezoning, because she felt zonings were intended to protect people, and allowing

modifications made zoning rules meaningless. Ms. Vittel was also worried about an increase in traffic and crime if 127th Avenue were connected to any other streets.

Kathy Tibbetts, 2730 Hiatus Road, remembered promises made when Calvary Chapel was built, and said her family could not be outside her home some evenings because of the noise from events at the Chapel. She feared 127th Avenue would become a thoroughfare.

Stuart Alvarez, 12791 SW 26 Street, said the issue was the appropriate use of land and added that he was not properly notified the first time. He felt the current infrastructure could not support the traffic the Center would generate and the intended use was inconsistent with the current land use. Mr. Alvarez asked Council to “not stray from the rationale and criteria typically used for granting variances and rezoning, irrespective of the emotional issue that they represented here...”

Donna Friedwald, 12911 SW 26 Street, resident, expressed concern about the possible increase in traffic. She asked that the variance be denied and the zoning remain agriculture. She said she was not against a Buddhist Temple, provided it was located on a major artery.

Joseph Pensabene, 12732 SW 26 Street, was concerned about the growth of the Temple and the impact on the local traffic. He asked Council to deny the request.

Les Eglinger, 1700 SW 127 Lane and Vice President of Summer Lakes Homeowners Association, submitted photos, stating that on occasion, Temple members drove through the neighborhood and had “not been very nice.” He noted that there had been as many as 15 cars at the facility on a Monday night, and presented photos of this as well. Mr. Eglinger felt the facility’s parking was inadequate for their special functions.

Darlene Sierocuk, 12882 SW 26 Street, said if the Center had access to Flamingo Road, she would not object to it. She objected to what she felt was Mr. Kalis’ allusion to racism being a factor for opposing the Center and asked Council not to allow this to sway its decision.

June Connors, 1701 SW 127 Avenue, said “freedoms are slowly diminishing in Summer Lake” and she was concerned about more traffic in the neighborhood. She described early morning noise from Calvary Chapel that woke her.

Mr. Kalis apologized to Ms. Sierocuk for her interpretation of his presentation, and said his intention had been to highlight the religious freedom the United States afforded, and the Town’s obligations to honor land use laws.

Regarding Mr. Englander’s photo, Mr. Kalis could detect blurry taillights, and could not make out whose cars these were. He was unsure what the photo was meant to show.

Mr. Kalis described Evanston, Illinois, and how that community had not been adversely affected by the location of a church with no parking area in the neighborhood. He said the Town’s Comprehensive Plan stated that CF zoning was compatible with a residential land use and noted that Summer Lake was approximately a half mile away from the Center. Mr. Kalis said there were opportunities for access to Flamingo Road if the Town desired it.

Mr. Kalis informed Mayor Truex that the building was 4,800 square feet and said the applicant would agree to restrict if they received the variance to 4,800. He identified the section of 127th Avenue that his client and the Engineering Department had agreed they would pave to meet the section of the street the Town would pave. Mr. Peters explained that the Code required a developer to complete the infrastructure for any adjacent roadway from the centerline to their property only. In order to access this parcel, they must pave to the next paved section, and the Center had agreed to pave the full 24 feet to the next paved section.

Councilmember Starkey asked Mr. Cherof whether Council would be able to enforce their conditions if it proved to be unconstitutional and/or illegal, as Mr. Kalis had suspected. Mr. Cherof responded that the approval with the conditions would remain enforceable and future Councils could only modify these by conducting new public hearings. Mr. Kalis reminded Councilmember Starkey that his client had already agreed to the conditions, so they were enforceable. Mr. Cherof said the ordinances were deemed enforceable and constitutional until a court determined otherwise. He felt the provisions of the Florida Religious Preservation Act were not applicable in this case.

Mr. Cherof closed the public hearing.

Mr. Cherof stated staff had recommended that approval of the rezoning be contingent upon approval of the variance application.

Mr. Muniz read the ordinance by title. Council disclosed their communications regarding this item.

Councilmember Caletka said he did not support the rezoning and variance.

Mayor Truex remarked that there were few places for a group like this to go. He respected the residents' concerns about traffic, but said he would vote to approve it. Mayor Truex felt if Davie's ordinance were challenged, it would prove unenforceable, and if it were determined to be enforceable, it should not be. He believed that in most cases, a house of worship was more of a benefit to a community than a detriment, and he felt this would be no exception.

Vice-Mayor Crowley said he supported it and noted that it was a very small congregation in a small community.

Councilmember Starkey said she was concerned that the Center would grow too big. She said she had visited the community cut through many times and had witnessed "not a whole lot of meeting on Sunday, maybe 15 – 20 people." Councilmember Starkey said she wanted assurance that it would not grow too big. She also wanted the applicant and Mr. Kalis to reaffirm agreement with the previously stated conditions, and Mr. Cherof to reaffirm that the agreement was enforceable. Mr. Cherof stated that the four conditions were in the ordinance, and approval was contingent upon satisfactory documentation, and this would be recorded. Mr. Kalis agreed to limit the building to 4,800 square feet, and to limit parking to designated spots. He also agreed to limit parking area lighting at night.

Councilmember Paul noted that the assurances made by Calvary Chapel had not been kept. She said she had tried to avoid the emotional component of the issue and over the years, she had stayed with the Code to enforce the distance separation for churches. Councilmember Paul felt the realtor was wrong for having sold the Center a piece of property that would require rezoning for their use. Mayor Truex noted that the houses of worship that grew were those that had a positive impact on people's lives. He reminded Councilmember Paul that the realtor had warned the Center about the property's zoning and he did not believe she should be blamed.

Councilmember Caletka made a motion, seconded by Councilmember Paul, to deny. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - no; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - no. (Motion failed 3-2)

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve item 5.2, to include compliance with the Night Sky ordinance, and the other issues raised, most importantly the reversion clause: should the property change hands from Mr. Tam and the Vietnamese Buddhist Cultural Center, the property would revert back to agriculture. Other issues of concerns were the additional paving, the building limit of 4,800 square feet, and Councilmember Starkey wanted the surrounding area to remain green, and suggested a pervious parking area, providing it met Central Broward Drainage District standards. Mr. Kalis also agreed there would be no on-street parking. All of the conditions from Councilmember Starkey's original motion would apply as well.

Vice-Mayor Crowley added that approval was subject to site plan approval. Councilmember Starkey agreed. Mr. Kalis agreed to the conditions as stated.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held February 7, 2007)

5.3. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM**

MH-10, MOBILE HOME DISTRICT TO RM-10, MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-04, Colonnade Construction Group/Ponderosa Development, Inc., 4701 and 4631 SW 73 Avenue) (tabled from December 20, 2006) *Planning and Zoning Board recommended denial*

Town Clerk Muniz read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held on February 7, 2007. Town Clerk Muniz swore in the witnesses.

Ms. Nolan summarized the planning report.

Director of Housing and Community Development Shirley Taylor-Prakelt said she had been working with the property owner and explained that the applicant had removed the Ponderosa Mobile Home Park from the application. She noted that this owner had worked very hard to develop an exit plan for the residents. Ms. Taylor-Prakelt stated the mobile home park no longer operated, so she did not object to the rezoning.

John Voigt, representing the applicant, noted that the two parks were separately owned, so they had removed the second park from the rezoning application. He said this process was begun more than a year ago and the residents had been fairly compensated.

Mr. Cherof opened the public hearing portion of the meeting.

Scott Cristol, resident of the adjacent Dell Mobile Home Park, said there would be a “huge environmental impact,” noise, and dust problems from the demolition that he felt would be unbearable. He opposed the rezoning because “it suggests that it’s okay to kick out the tenants and then rezone and then close the mobile home parks after you’ve evicted the tenants.”

Mr. Sissio, Mr. Cristol's neighbor, agreed with Mr. Cristol's statements. He felt allowing this would affect everyone in Town.

Mr. Voigt reiterated that the former residents had been dealt with fairly.

Council disclosed communications they had regarding this item.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve, subject to site plan approval. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

Ordinance - First Reading (Second and Final Reading to be held February 21, 2007)

5.4. **MORATORIUM** - AN ORDINANCE OF THE TOWN OF DAVIE, PROVIDING FOR A MORATORIUM ON THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS FOR THE REDEVELOPMENT OF MOBILE HOME PARKS WITHIN THE CORPORATE LIMITS OF THE TOWN; PROVIDING FOR EXEMPTIONS; PROVIDING FOR VESTED RIGHTS; PROVIDING FOR APPEALS; PROVIDING FOR EXHAUSTION OF ADMINISTRATIVE REMEDIES; PROVIDING A TERM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Earlier in the meeting, Town Clerk Muniz read the ordinance by title.

Ms. Taylor-Prakelt urged the approval of the moratorium. She noted the acuteness of the affordable housing crisis in Davie, with 23,000 residents living in mobile homes and added that most mobile home residents were living on a fixed income. Ms. Taylor-Prakelt felt the magnitude of this problem necessitated a one-year moratorium to develop solutions. She advised that she had received “hundreds and hundreds” of calls from distraught residents fearful of becoming homeless in the wake of redevelopment.

Mr. Cherof advised that a moratorium was a legal, viable tool in this circumstance. He explained that Section 12-311 of the Town’s Code provided for enactment of a moratorium and recommended Council begin with a 180-day period, with the acknowledgment that an extension was possible. Mr.

Cherof disagreed with the opinion of attorney Paul Figg that a moratorium violated State Statute Chapter 723.

Mayor Truex opened the public hearing portion of the meeting.

Frank Serra, 12591 SW 6 Street, stated his support for the resolution for one year. He said that the task force should: develop an exit/relocation plan, establish a method for studying current zoning laws pertaining to mobile home parks, redefine and upgrade Florida Statute 723, work with landowners to develop solutions, consider homeowner associations in mobile home parks. Mr. Serra urged Council to approve a one-year moratorium and create the task force to address the problem.

Henry Whidden, 472 SW 125 Terrace, informed Council of House Bill 259, regarding the statewide mobile home issue. He presented a petition with 469 signatures opposing the closing of mobile home parks and supporting the moratorium and study. Mr. Whidden also presented a letter from a family to Mayor Truex. He felt the moratorium would make Davie a “leader in the State and set an example of fine community leadership and management of your resources.”

Maria Rubino, Park City West Mobile Home Park resident, feared that all mobile homes would disappear and many people would become homeless. She said that Councilmember Starkey had always been there for her constituents and asked her to not let them down now.

Patricia Goralewski, manager of Park City West Mobile Home Park, agreed with Ms. Rubino about the need to keep affordable housing.

Scott Cristol, 4633 SW 73 Avenue, urged Council to deny rezoning and redevelopment. He wanted to maintain the existing affordable housing. He also felt six months was not sufficient time for a moratorium.

Jim Dale, owner of Rexmere and Paradise Village mobile home parks, assured residents that he had made significant investments in the parks and was not leaving. He indicated that he would provide relocation assistance of \$10,000 and a rent discount to those who relocated to one of his parks.

Terry Hahn, 270 SW 10th Court - Pompano Beach, asked Council to consider the financial impact of their decision on the Town’s economy. He agreed with the moratorium and felt if it started at six months, the ordinance provide for an automatic extension for an additional six months. Mr. Hahn believed that residents should be compensated fairly for the loss of their homes to development.

Elizabeth Snyder, 13411 SW 6 Place, presented a frightening scenario of a person who might lose a home and asked Council members to put themselves in this situation. She asked Council to save their homes and perhaps set an example for other towns and cities.

Tina Taravella, 360 SW 133 Terrace, said residents were afraid of losing their homes. She presented a petition with 668 signatures of people in favor of the one-year moratorium.

Myrna Gallo, from Ranch Margate Mobile Home Park, said developers had begun to demolish her park prior to being granted the land use change. She presented another petition and said two of the signatures were from builders working in her park. Ms. Gallo stated, “It’s like eminent domain without the fair market value.” She explained she had lost her last home due to becoming ill, and feared she might lose this house as well.

Janet Riley, Legal Aid attorney, advised that she had received calls every day from panicked mobile home residents. She described the drastic increases in apartment rental prices in Broward County that were not affordable to the average mobile home park resident. Ms. Riley commended Council for recognizing the problem and agreeing to a moratorium in order to study the issue.

Dawn Pollock, 13441 SW 6 Place, described the scenario many residents would face if they were forced to leave their current homes and asked Council to approve the moratorium.

Bridget Parks, 13451 SW 6 Place, was very concerned about losing her home, and said there was nowhere else she could afford to live. She asked Council to approve the moratorium.

Frank Souder, 4701 SW 73 Avenue, explained what was at stake if his mobile home park closed and said he opposed rezoning the parks.

Patty Rose 361 SW 135 Terrace, described her life in her current home and noted reasons it would be impossible to move.

Vicky Love, a Sunshine Village resident, said she did not know where she would go if she were forced to leave her home.

Mitzi Clark, 13281 SW 8 Street, said compensation must be fair, and “somebody needs to step up to the plate and fight for these people.” She felt that Council was working diligently to do so and favored the moratorium and the task force.

Fleming Schroeder, a Kings Manor resident, said he had been devastated by hearing people’s fear of becoming homeless. He thanked Mr. Dale for his offer.

Yanick Mercier, 6052 SW 34 Street, spoke of her fear of losing her home and her support for the moratorium.

Jeff Englander, 12421 SW 6 Court, felt the State had to get involved as soon as possible. He asked Council to approve the moratorium, to oppose zoning changes, and to keep the mobile home parks because they were affordable housing.

Isabel Fugatt, a Sunshine Village resident, discussed the impact the redevelopment would have on mobile home dwellers. She noted they had “nothing to gain and everything to lose.”

Amber Weaver and Kaylan Padilla asked for Council’s help to prevent them from becoming homeless.

Mr. Sixto, a Dale Trailer Park resident, supported a one-year moratorium.

David Ellis, 430 SW 133 Terrace, discussed Aztec Mobile Home Park that was owned by UniProp, as was Sunshine Village and Kings Manor. Aztec had already closed, and he had received a letter from UniProp indicating their intention to sell Sunshine Village. Mr. Ellis agreed the moratorium was important, but said the answer to this problem was “no, we’re not going to rezone the parks” because there was too much at stake for the community.

Crystal Lavers, a Kings Manor resident, asked Council to save her home.

David Brooks, a Sunshine Village resident, said he could not afford a house, and neither could many others. He asked Council to “do whatever is possible to make sure that we remain here because this is where we want to be.”

Joanie said she had lost two mobile homes due to park closings and was now homeless. She begged Council to do something to help mobile park dwellers.

Frederick Blanchard asked for Council’s help.

A representative of Code One Group, the company that performed most mobile home installations in Davie, offered his help with the task force.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, asked that the task force address the problem of disposing of abandoned mobile homes because of the safety issues to the community. She also wanted the task force to deal with the sale of mobile homes, since owners were sometimes left with mortgages after they were evicted.

Navin Ramjattaw explained that he had been evicted from Aztec and moved to Kings Manor recently, and had been assured by UniProp that they had no intention of closing Kings Manor. Now he had received the notice of their intent to close the park. He felt someone must do something about UniProp.

Mayor Truex closed the public hearing.

Mayor Truex was convinced that Council should enact a one-year moratorium to address all of the issues sufficiently. He acknowledged that there was much work to do to resolve the issues. Councilmember Starkey hoped the Council would enact a moratorium for at least one year, and to include all involved parties in the task force. Councilmember Paul said they must protect the residents and agreed they should enact a one-year moratorium. Vice-Mayor Crowley wanted to alleviate some of the residents’ fear and supported the one-year moratorium. Councilmember Caletka supported the one-year moratorium and also wanted mobile home residents to be notified of any projects that would affect them.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve the one-year moratorium as written with an addition that in so far as the items that the task force are not sufficiently completed, this item would be readdressed “in item section seven to extend it to an

additional one year, and also to make sure that we ensure that staff has appropriate supports with that as well, to ensure that the task force and staff and welcome people from the State and County, local agencies, as federal government and so forth to help and assist us with this crisis and being a model for the rest of the State and the country.”

Mayor Truex suggested Councilmember Starkey include the recommendations made by Mr. Cherof regarding notice and other “legal technicalities.” Councilmember Starkey agreed. Mr. Cherof advised Council that the second reading should be two meetings from tonight, and the formalities would be handled by Town Clerk Muniz.

Councilmember Paul requested to amend the motion regarding the length of the moratorium and the renewal. Councilmember Starkey said, “One year, with a six-month possible renewal in the event that the task force hadn’t concluded.” Councilmember Paul suggested the language “six-months renewals, if necessary” to allow another extension every six months. Mr. Cherof said section seven and the Town’s Code already provided for extensions, upon request. Councilmember Starkey wanted to retain the specificity of her motion to preclude a legal challenge. Therefore, her motion would be “for one year, with six-months renewal if the task force hasn’t come up, along with your notification and to have it in two meetings from now for the second reading.”

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Discussion followed on the makeup of the task force. Council agreed to appoint two task force members per Councilmember, and two at-large, for a total of twelve members.

Resolutions

5.5. **FLEX ALLOCATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ALLOCATION OF RESIDENTIAL FLEXIBILITY UNITS TO THE “GRIFFIN LANDMARK” PLAT; AND PROVIDING FOR AN EFFECTIVE DATE. (FX 5-1-06, The Spear Group/Griffin Landmark, LLC, generally located east of the Turnpike on the north side of Griffin Road) *Planning and Zoning Board recommended approval* (reconsidered at the December 20, 2006 meeting and then tabled to January 17, 2007)

Town Clerk Muniz read the resolution by title.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve, subject to the same conditions as item 3.5. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

5.6. **LOCAL PROJECTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE SUBMISSION OF COMMUNITY BUDGET ISSUE REQUESTS TO THE FLORIDA LEGISLATURE AND APPROPRIATION REQUESTS TO THE U.S. CONGRESS TO SEEK SUPPORT FOR THE TOWN’S PRIORITY LOCAL PROJECTS.

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Quasi Judicial Item

- 5.7. **VARIANCE** - V 9-1-05, Vietnamese Buddhist Cultural Center of FL Inc., 2321 SW 127 Avenue (to reduce the distance between freestanding houses of worship from 2,500 feet to 1,609.64 feet from the Hanmi Baptist Church and 2,310.54 feet from the Calvary Chapel Sawgrass) (A-1) (tabled from November 15, 2006) *Planning and Zoning recommended approval*

Earlier in the meeting, Mr. Cherof advised Council to include the same list of conditions in their motion regarding the variance.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve the variance with the same conditions stated for the rezoning approval. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

6. APPOINTMENTS

6.1. Mayor Truex

- 6.1.1. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Mayor Truex appointed Todd Evans.

- 6.1.2. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

- 6.1.3. Water and Environmental Advisory Board (one exclusive appointment; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

- 6.1.4. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

6.2. Councilmember Caletka

- 6.2.1. Airport Advisory Board (one exclusive appointment; term expires December 2007)

Councilmember Caletka appointed David Oakes.

- 6.2.2. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)

Councilmember Caletka appointed Ivan Gonzalez.

6.3. Councilmember Paul

- 6.3.1. Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

6.4. Councilmember Starkey

6.4.1. Airport Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made.

6.5. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

7. OLD BUSINESS

7.1 Pilot Program for Down Payment Assistance

Mayor Truex advised that staff was waiting for direction from Council regarding Mr. Dale's presentation on a pilot program for down payment assistance. Mr. Shimun indicated that staff had discussed this issue internally. Ms. Taylor-Prakelt stated that staff had reviewed Mr. Dale's proposal, which had merit, but had recommended that Mr. Dale's proposal was not timely because the outcome of the moratorium was not known; however, she would like to explore this at a later time.

Mr. Dale explained that program provided that the Town would contribute \$50,000 and he would contribute \$66,000, which would go to public employees. He advised that he would agree that if the Town lost its asset, "I'll give them back their \$6,000 for each home."

Mayor Truex wanted to move forward with this and hoped that the result of the task force would be that those in the pilot program would be protected as well. Councilmember Paul and Vice-Mayor Crowley agreed. Councilmember Starkey agreed and added that the timing was important because budgeting for the next year was coming up. Council directed staff to look at the issue and to determine if funding it was available.

7.2 Town Attorney's Work in Progress

Mayor Truex wanted Mr. Cherof to review pending items and determine which items it would benefit the Town to have Mr. Kiar complete. Mayor Truex asked Mr. Cherof to review Mr. Kiar's contract regarding the Town's obligations. Mayor Truex felt the Town owed Mr. Kiar a severance and rather than pay another attorney, the Town should have Mr. Kiar work until the severance had been paid. Vice-Mayor Crowley agreed. Mr. Cherof indicated that he would review the contract and provide a report. Mayor Truex stated that Mr. Kiar had indicated that he was at the Town's disposal for the six months as part of his contract. Councilmember Caletka indicated that he had questions regarding the validity of the contract. Mr. Cherof stated that it was not unusual for attorneys to transition work and to work out a plan that fit the client. Councilmember Caletka stated that there was a clause in the contract that provided for an assessment of the rates that came before Council in August and he requested an opinion on the validity of the contract since no one ever came before Council to revalidate the rates.

8. NEW BUSINESS

8.1. Reschedule March 21, 2007 Council Meeting - Councilmember Paul

Councilmember Paul indicated that she had previously indicated that she would not be in Town due to Broward Days in Tallahassee. Councilmember Starkey, Vice-Mayor Crowley and Councilmember Caletka indicated their interest in attending Broward Days.

Councilmember Paul made a motion, seconded by Mayor Truex, to reschedule the March 21, 2007 meeting to March 22, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

8.2. Request to Schedule Meeting with the Management and General Employees Pension Board of Trustees - Mayor Truex

Ms. Menke said that a meeting was requested by members of the pension plan to the Pension Board. Mayor Truex recommended that a workshop be scheduled sometime in April.

9. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CALETKA

58th AVENUE TRAFFIC STUDY. Councilmember Caletka reported that the Town's engineer concluded that there was sufficient traffic to merit "real" speed bumps and he requested a cost estimate for this issue. Development Services Director Mark Kutney confirmed that there was an existing process for an application for speed bumps. Mayor Truex asked Councilmember Caletka to consult with the Fire Chief Don DiPetrillo on issues that the Fire Department had and then put the item on a future agenda.

NOTIFICATION OF PROPOSED PROJECTS. Regarding upcoming projects, Councilmember Caletka asked Mr. Shimun to prepare a Code amendment to provide that the occupants of the surrounding areas be notified which would include renters. Mr. Kutney requested that staff be allowed to provide a report on this request as this amendment would be very time consuming. Councilmember Caletka stated that there were several options to obtain addresses. Councilmember Paul questioned why it was the Town's obligation to provide the list to the developer. Mayor Truex stated that if the Town did not provide a mechanism on how the list was to be generated, the list would always be in dispute. Councilmember Caletka said ideally, the Town would provide the addressed envelopes for developers to use. Mayor Truex suggested that Councilmember Caletka meet with Mr. Shimun on this issue.

STAFF CREDIT CARDS. Councilmember Caletka felt Council should hand in their credit cards to set an example for staff and asked that the issue of Council surrendering their credit cards be placed on the next agenda. Councilmember Starkey asked Mr. Shimun to prepare a report regarding credit card usage and policy.

VICE-MAYOR CROWLEY

DOWNTOWN DAVIE. Vice-Mayor Crowley said he had been meeting with Downtown Davie and Emerald Isles, and he felt Downtown Davie would be meeting with Emerald Isles to arrive at a resolution.

FORENSIC AUDIT REPORT. Vice-Mayor Crowley asked for the forensic audit report within the next few weeks.

ANNUITIES. Vice-Mayor Crowley indicated that Council had given direction for staff to contact the insurance company on the process. Mr. Shimun stated that he had spoken with the insurance company and said he was preparing a letter pursuant to this discussion.

COUNCILMEMBER STARKEY

CONSERVATION EASEMENT. Councilmember Starkey wanted to know when Mr. McBroom could get what Council had approved in order to get the easement. Mr. Peters said he had no new information, but would follow up and report to Council.

COUNCILMEMBER PAUL

TRAFFIC ISSUES. Councilmember Paul referred to the serious accident at Flamingo and 36th near Flamingo Gardens. She felt the problem there was that the traffic signal only had a left turn arrow for one of the four directions. A resident had emailed her regarding this, and suggested left turn arrows for all directions. Councilmember Paul advised that another resident had sent an email with several recommendations for improvements to Orange Drive and Shotgun Road. Councilmember Paul thought money had been donated for these changes but no work had been done.

FPL PRESENTATION. Councilmember Paul requested that FPL give a presentation regarding underground utilities.

STATE ROAD 7 COLLABORATIVE REPRESENTATIVE. Upon questioning by Councilmember Paul Mr. Kutney informed Councilmember Paul that one of the two representatives must be an elected official. Councilmember Paul stated that this appointment needed to be added to an upcoming agenda.

WESTERN HIGH TENNIS COURT LIGHTS. Councilmember Paul said she had received complaints that these lights were not working and asked staff to look into this issue.

AMERICAN FARM BUREAU CONFERENCE. Councilmember Paul said she had attended the conference and a major topic had been the growing need for alternative fuels. She had spoken with a coffee plantation owner and wanted Assistant Town Administrator Ken Cohen to meet with him to discuss his ideas.

CALDER FARMS. Councilmember Paul had heard from a resident of Calder Farms who was concerned about the need for a permit to rebuild his barn. She asked staff to look into this issue.

MAYOR TRUEX

GLOBAL WARMING AND GREENHOUSE EMISSIONS. Mayor Truex said he would sign the mayor's initiative to fight global warming and greenhouse emissions. He advised that the issue was to get municipalities to be more "green" and circulated information for Council to review. Mayor Truex indicated that if anyone were opposed, he would not sign the petition. Vice-Mayor Crowley and Councilmember Starkey indicated their support.

10. TOWN ADMINISTRATOR'S COMMENTS

No comments were made.

11. TOWN ATTORNEY'S COMMENTS

No comments were made.

12. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 2:15 a.m.

Approved _____

Mayor/Councilmember

Town Clerk

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assisatnt Town Clerk (954) 797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: February 7, 2007 minutes

AFFECTED DISTRICT: n/a

TITLE OF AGENDA ITEM: February 7, 2007 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the February 7, 2007 Council meeting

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Motion to approve

Attachment(s): Minutes

**TOWN OF DAVIE
REGULAR MEETING
FEBRUARY 7, 2007**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Crowley, Councilmembers Caletka, Paul and Starkey. Also present were Town Administrator Shimun, Town Attorney Jim Cherof, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Rosie Anderson, 4950 SW 111 Terrace, announced that the Old Davie School and the Davie Historical Society were hosting a Pioneer Dinner on February 10th honoring the Franklin, Taylor and Middlebrook families and invited everyone to attend.

Ms. Anderson stated the Davie Historical Society was restoring the Walsh/Osterhaut House and asked for volunteers.

Phil Busey, 837 SW 120 Way, announced his candidacy for the District 3 seat and reminded everyone to vote on March 13th.

Adam Konick, Davie Firefighter, said he spoke for many of his coworkers and asked Mr. Shimun to work toward a contract. Mr. Konick noted that since their contract had expired, the Fire Department had responded to over 16,000 calls and continued to represent the Town.

Vincent Muller, President of the Davie Firefighters Union, reported that their membership was unhappy about the lack of a contract and asked the Town to get serious about the negotiations.

Robert Belizaire stated that the living conditions at Station 68 were bad and had existed for too long. He feared that their experienced firefighters would leave for other departments because of the lack of a contract.

Councilmember Starkey asked Mr. Shimun why the workshop regarding Station 68 had been canceled. Mr. Shimun said the workshop had been rescheduled, not canceled and noted that the current issues at Station 68 were being addressed. The building was being rehabilitated which should be completed in 90 days. Mr. Shimun added that there was one item still being negotiated in the firefighters' contract.

Dan Frost thanked Mr. Shimun for his help resolving the Station 68 issue. Mr. Frost discussed the proposed Town development and attendant 60% population increase, and warned Council about the impact this would have on the water supply.

Dan Pignato, 6920 SW 56 Court, reported that 176 kids had participated in the Challenge Air event plane rides. Unfortunately, 260 kids had signed up, so a two-day event was planned for next year.

Mary Woods discussed the Davie shuttle bus service and said service had improved, but was still not good enough. She indicated that the bus service employees treated the handicapped riders badly and informed them they could not ride. She was angry at the treatment she had received. Mayor Truex said that Police Chief John George and Mr. Shimun were aware of the issues to which Ms. Woods referred, and assured her she was allowed to ride the bus.

Sylvia Clements advised that she was experiencing a problem obtaining public records regarding former Town Attorney Kiar. She said that Town employees had told her to go to Mr. Kiar's office for the records, and that she must leave a \$500 deposit for confidential files to be segregated, which was later reduced to \$100. Ms. Clements asked Mayor Truex why he wanted to keep Mr. Kiar on the payroll for six months at a cost of \$21,000 to \$23,000 per month.

Marlon Luis, 13251 SW 16 Court, announced his candidacy for the District 4 seat and encouraged everyone to vote in March.

Mayor Truex advised that staff had requested that item 6.7 be tabled.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to table item 6.7 to February 21, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex said the applicants for items 4.10 and 6.8 had requested those items be tabled.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to table items 4.10 and 6.8 to February 21, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that the applicant had requested item 6.1 be tabled to March 7, 2007.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to table item 6.1 to March 7, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey requested item 4.1 be tabled to the next meeting. Mayor Truex requested all Council comments on redistricting be transcribed verbatim.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table item 4.1 to the next meeting, and to request the verbatim transcription. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 November 1, 2006 (Regular Meeting) (tabled from January 17, 2007)
- 4.2 November 1, 2006 (Special Executive Session - Part I)
- 4.3 November 1, 2006 (Special Executive Session) (Part II)
- 4.4 November 9, 2006 (Workshop Meeting)

Proclamation

- 4.5 Bob Amchir Day (February 13, 2007)

Resolutions

- 4.6 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT TO MODIFY BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND FERNCREST UTILITIES TO PROVIDE BULK WATER AND SEWAGE SERVICE; AND PROVIDING AN EFFECTIVE DATE. (tabled from January 17, 2007)
- 4.7 **STREET NAME** - A RESOLUTION OF THE TOWN OF DAVIE TO CHANGE THE
R-2007-28 STREET KNOWN AS NORTHWEST SEVENTY-FIFTH TERRACE, IN DAVIE, FLORIDA TO READ BOB AMCHIR WAY NORTHWEST SEVENTY-FIFTH TERRACE
- 4.8 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-29 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN MYSTIQUE ESTATES HOA AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL AND AUTHORITY TO ENTER PREMISES.

- 4.9
R-2007-30 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH CALVIN, GIORDANO & ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES FOR THE WASTEWATER TREATMENT PLANT 4 MGD EXPANSION PROJECT. (\$549,028)
- 4.10 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF DAVIE AND EDSA FOR THE REGIONAL ACTIVITY CENTER (RAC) MASTER PLAN; PROVIDING FOR AN AMENDED SCOPE OF SERVICE TO COMPLETE SAID MASTER PLAN; PROVIDING FOR A FEE SCHEDULE AND PROJECT PHASING; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (\$77,750)
- 4.11
R-2007-31 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AMENDMENT TO AN EXISTING LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND AMERICAN TOWER CONCERNING THE MONOPOLE TELECOMMUNICATIONS TOWER LOCATED AT 6911 ORANGE DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE. (Town to receive 50% of co-location revenue)
- 4.12
R-2007-32 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN OF DAVIE AND MICRO SYSTEMS CONSULTANTS INC FOR PROGRAMMING SERVICES. (\$15,000)
- 4.13
R-2007-33 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH MILLER LEGG, FOR COST RECOVERY CONSULTANT SERVICES.
- 4.14
R-2007-34 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LAND DESIGN INNOVATIONS INCORPORATED, FOR COST RECOVERY CONSULTANT SERVICES.
- 4.15
R-2007-35 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CALVIN GIORDANO & ASSOCIATES, INC FOR COST RECOVERY CONSULTANT SERVICES.
- 4.16
R-2007-36 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LEIGH ROBINSON KERR & ASSOCIATES, INC. FOR COST RECOVERY CONSULTANT SERVICES.

- 4.17
R-2007-37 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE AWARD OF THE BID FOR POTABLE WATER AND WASTEWATER POLYMERS TO FORT BEND SERVICES (DEWATERING POLYMER), TROPICHEM ENTERPRISES (STARCH) AND ATLANTIC COAST POLYMERS, INC. (POTABLE WATER POLYMER) (\$68,832)
- 4.18
R-2007-38 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AWARDED THE BID TO ENTERPRISE LEASING COMPANY FOR THE SUPPLY OF LEASED VEHICLES FOR THE TOWN OF DAVIE POLICE DEPARTMENT'S FLEX LEASE RENTAL PROGRAM.
- 4.19
R-2007-39 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS, NOT TO EXCEED \$13,000.00, FOR THE PURCHASE OF TWO NEW K-9 DOGS FOR THE DAVIE POLICE DEPARTMENT K-9 UNIT. (K.A. Mathias Company d/b/a Orchard Knoll Kennels, Inc.) (not budgeted - not to exceed \$13,000)
- 4.20
R-2007-40 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR PRINTING AND MAILING THE DAVIE UPDATE. (\$30,000; Miami Offset for printing and Gilmore Associates, Inc. for mailing)
- 4.21
R-2007-41 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING APPLICATION, APPROVAL AND EXECUTION FOR A GRANT UNDER THE STATE OF FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM FOR CHILDREN. (\$15,000)
- 4.22
R-2007-42 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A GRANT FROM THE EMERGENCY MANAGEMENT, PREPAREDNESS AND ASSISTANCE TRUST FUND FOR A FIXED GENERATOR; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT IF AWARDED (NO MATCHING FUNDS).
- 4.23
R-2007-43 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$50,000 GRANT FROM THE EMERGENCY MANAGEMENT, PREPAREDNESS AND ASSISTANCE TRUST FUND FOR AN 8" TRAILER MOUNTED SEWAGE PUMP; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT IF AWARDED (WITH \$50,000 MATCHING FUNDS).
- 4.24
R-2007-44 **AIRPORT NOISE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE AIRPORT TRANSPORTATION ADVISORY BOARD'S MOTION TO NOTIFY IN WRITING AIRLINES WHOSE AIRCRAFT IMPACT DAVIE NEIGHBORHOODS IN A DETRIMENTAL MANNER DUE TO LOUD NOISE AND TO RELEASE SAID INFORMATION TO THE MEDIA, AND PROVIDING FOR AN EFFECTIVE DATE

- 4.25
R-2007-45 **DELEGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "DAVIE TROPICANA REPLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 7-1-06, Three Oaks Business Center, 5951 Orange Drive)
- 4.26
R-2007-46 **VACATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO VACATE A 15' DRAINAGE EASEMENT FROM THE "DAVIE TROPICANA" PLAT; TO VACATE A 20' DRAINAGE EASEMENT FROM THE "DAVIE TROPICANA REPLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 7-2-06, Three Oaks Business Center, 5951 Orange Drive)
- 4.27
R-2007-47 **VACATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, VACATING A 60' INGRESS/EGRESS EASEMENT FROM THE "DAVIE TROPICANA REPLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 7-3-06, Three Oaks Business Center, 5951 Orange Drive)
- 4.28
R-2007-48 **VACATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING TO VACATE THE NON-VEHICULAR ACCESS LINE ON THE "DAVIE TROPICANA REPLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 7-4-06, Three Oaks Business Center, 5951 Orange Drive)
- 4.29
R-2007-49 **VACATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING TO VACATE 10' UTILITY EASEMENT ON THE "DAVIE TROPICANA REPLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 7-5-06, Three Oaks Business Center, 5951 Orange Drive)
- 4.30
R-2007-50 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "COLONNADE AT UNIVERSITY" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 5-3-05, Colonnade at University, 4640 University Drive) *Planning and Zoning Board recommended approval*
- 4.31
R-2007-51 **FARM PARK** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA, ACCEPTING A MEMORANDUM OF UNDERSTANDING FOR PARTICIPATION IN THE DEVELOPMENT AND OPERATION OF THE DAVIE FARM PARK BY PROJECT STABLE AND PROVIDING FOR AN EFFECTIVE DATE
- 4.32
R-2007-52 **FARM PARK** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A MEMORANDUM OF UNDERSTANDING FOR PARTICIPATION IN THE DEVELOPMENT AND OPERATION OF THE DAVIE FARM PARK BY BROWARD COUNTY FARM BUREAU AND PROVIDING FOR AN EFFECTIVE DATE

Quasi-Judicial Consent Agenda

- 4.33 SP 5-2-05, Three Oak Business Center, 5951 Orange Drive (B-2) *Site Plan Committee recommended approval subject to the staff report and all staff's recommendations plus the following: 1) that there be pavers on all sidewalks and crossings which connect the outer sidewalks and across the vehicular access points to be included; 2) that the*

existing trees would be removed one time only and all proper protection would be provided to them during construction; 3) on the north side of the building, add additional doors with landings onto the pavement; 4) that on the photometrics, increase lighting on the front of the building to an average of 3.0 candle-foot; 5) build-out vertical architectural details on the front of the building to a minimum of four inches and correct plan A-2 accordingly; 6) the top of the mansard roof must be a minimum of five-feet above the deck on all elevations in order to screen the air conditioning units; 7) on page A-3, correct the height of the top of beam on the east and west elevations; and 8) tone down the roof color and present choice for staff's approval

- 4.34 SP 9-4-06, Regency Commons, 5351 South University Drive (B-3) *Site Plan Committee recommended approval subject to the staff report and all staff's recommendations and the following: 1) to reduce the number of compact parking spaces from 54 to 42 on SP-1; 2) change the two rows of parking on the east and south sides of building C to full size, ten-foot parking spaces; 3) relocate the compact parking spaces to abut the north and/or south property lines; 4) recalculate the parking calculations for medical use utilizing one space for 200 square-feet as opposed to one space for every 210 square-feet as shown; 5) relocate both dumpster enclosures by building C to the north property line and adjust the parking accordingly; 6) straighten out dumpster enclosure to the west of building E to a 90-degree angle; 7) the top of the parapet must be a minimum of five-feet above the roof deck on all of the buildings; and 8) add two dumpster enclosures, one at building A and one at building B and provide plans to staff for their approval.*

Councilmember Starkey pulled items 4.12 and 4.24 from the Consent Agenda. Councilmember Paul pulled items 4.5 and 4.7, to be discussed together, and item 4.6. Mayor Truex pulled items 4.31 and 4.32.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve the consent agenda minus items 4.5, 4.6, 4.7, 4.12, 4.24, 4.31 and 4.32. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.5 Councilmember Paul introduced Donna and David Amchir and read the proclamation. Councilmember Paul announced that NW75 Terrace would be rededicated to Mr. Amchir.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve item 4.5. In a voice vote, all voted in favor. (Motion carried 5-0)

4.7 Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve item 4.7. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Amchir promised the Toy Run would continue.

4.6 Councilmember Paul wanted to include the provision that Ferncrest would assume all expenses incurred as a result of the agreement, and that the residents' rates be lowered to match those paid by other residents.

Sam Poole, representing Ferncrest, said the bulk agreement provided a purchase price \$0.25 per 1,000 gallons less than the rate charged other customers. This should cover the cost of any needed additional staff.

Mr. Shimun confirmed that the staff portion of the agreement had been eliminated during negotiations. Mr. Poole said the agreement specified that the rate would be adjusted to remain \$0.25 less than other rates if those changed. He explained that this contract would result in a \$6,000 per year loss to Ferncrest. This was agreed to because the Town was considering acquiring Ferncrest, and these

negotiations should be settled within 30 months. At the end of that period, if Ferncrest remained a separate entity, it would be responsible to add equipment required to meet higher water quality standards, and would seek a substantial rate increase to cover these costs. This agreement was meant to accommodate that 30-month negotiation period.

Councilmember Starkey felt there might be other legal issues. She thought Ferncrest had failed to meet water quality standards. Mr. Poole said Ferncrest must initiate installation of the new equipment needed to meet new water quality standards within six to nine months if they were to remain the independent utility. Councilmember Starkey wanted Mr. Cherof to review this before she approved it.

Vice-Mayor Crowley had no problem with approving this item as it was. He felt the most important issue was improved water quality.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve.

Mayor Truex suggested tabling the item to the next meeting. Vice-Mayor Crowley withdrew his motion.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to table to the next meeting [February 21, 2007]. In a voice vote, all voted in favor. (Motion carried 5-0)

4.12 Councilmember Starkey wanted this item to go out for a bid. Councilmember Caletka said he had compared rates and this amount seemed below market.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to approve. In a voice vote, with Councilmember Starkey dissenting, all voted in favor. (Motion carried 4-1)

4.24 Councilmember Starkey thanked the Airport/Transportation Advisory Board for the recommendation.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve. Vice-Mayor Crowley suggested the language regarding the high-noise air carriers should be more specific. Councilmember Starkey explained the statistics and stated that whether one judged using the days' average or per single event, the same carriers tended to be responsible for excessive noise at certain times. In a voice vote, all voted in favor. (Motion carried 5-0)

4.31 Councilmember Paul said this was a commitment from Project Stable and the Farm Park that was already included in the grant application and their letters of support to the Florida Communities Trust. This reaffirmed their commitment.

Councilmember Paul made a motion, seconded by Councilmember Caletka to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinance - Second and Final Reading

- 6.1 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM MH-10, MOBILE HOME DISTRICT TO RM-10, MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-04, Colonnade Construction Group/Ponderosa Development, Inc., 4701 and 4631 SW 73 Avenue) (tabled from December 20, 2006) *Planning and Zoning Board recommended denial* {**Approved on First Reading on January 17, 2007. The vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes**}**

This item was tabled earlier in the meeting.

Ordinance - First Reading (Second and Final Reading to be held at a later date)

6.2 **LAND USE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL THE APPLICATION LA 05-02, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN LANDS FROM: “RESIDENTIAL ONE DWELLING UNIT PER ACRE”, TO “COMMERCIAL”;** AND AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING POLICY GROUP 28 RELATING TO DEVELOPMENT WITH DIRECT ACCESS OFF A LIMITED HIGHWAY”; PROVIDING FOR INCLUSION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (LA 05-02, Laystrom/Carroll - The Commons, SW 26 Street and Shotgun Road) (tabled from December 6, 2006) *the Local Planning Agency’s original motion was to approve which resulted in a tie vote automatically tabling the item; however, the Local Planning Agency reconsidered the motion and ultimately denied the request to allow the item to move forward to Council*

Later in the meeting, Mr. Cherof read the ordinance by title. Mayor Truex announced that a public hearing on the item would be heard at a later date.

Bill Laystrom, representing The Davie Commons Holding Corporation, introduced Ken Bernstein and Jodie Siegel from Turnberry Associates. Mr. Laystrom said demographically, this project fit in perfectly with Aventura Mall and the Boca Town Center Mall, and was perfect for the target area. The project incorporated retail/office space and a 300-room hotel.

Mr. Laystrom described the process the project must go through for approval at the local, state and county level. He stated the commitments the applicant was willing to make this evening in writing: no access to Shotgun Road, agreement to fund certain staff-requested programs, and prohibition of certain uses. Mr. Laystrom noted that two citizen participation meetings were held in 2005, and they had also performed door-to-door and outreach in Town. He distributed a book of support forms, emails, letters and resolutions expressing support for the project.

Mr. Laystrom gave a PowerPoint presentation on the project and stated it was “completely different than what you’ve seen before” in a shopping venue. Considering the proximity to the airport and port, Mr. Laystrom felt it was also a prime location for corporate offices. Mr. Laystrom said they were working with FDOT to use the Arvida interchange for access.

Mr. Laystrom explained there were five districts for different uses. He remarked that this would not be a phased project, it would be built and Certificates of Occupancy would be obtained all at once. Mr. Laystrom said they had agreed to follow the California Night Lighting ordinance. He promised that if they were unable to gain I-75 access, the project would not move forward. Mr. Laystrom described traffic entry and flow onto the site to the offices and the retail space, and stated that the number of trips from inside the Town of Davie to the site would be approximately 350 per day. He pointed out that if this were developed as single-family homes, the site would generate 1,500 trips per day. Mr. Laystrom stated that the Town had hired its own traffic consultants who confirmed the accuracy of Mr. Laystrom’s traffic study.

Mr. Laystrom noted the difference in tax revenue between developing this property as residential or mixed-use property. He estimated The Commons would be worth \$400,000,000 when it opened. Property taxes and other fees would result in a total yearly revenue of \$3.7 million. The Commons would also pay to maintain its own roads, and cover the costs for law enforcement and fire service. The net revenue would be \$3.522 million. If the site were developed as single-family homes, the revenue would be approximately \$1.133 million per year. After costs, net revenue would be approximately \$866,000 per year. Mr. Laystrom claimed that approval of this project would allow the Town to pay for the maintenance costs of their parks, and cover the costs of hiring new Police officers and Fire personnel.

Mr. Laystrom listed the terms of the development agreement: no access to Shotgun Road; funding for fighting any third party’s attempt to open any other access; maintenance of buffer, berm and site landscaping, and its replacement within 60 days of a storm event; use restrictions, such as no Wal-

Mart, no Home Depot, no adult facilities, no standalone grocery; heights restricted to 60 feet; hours, lighting, and acoustic design limitations; link to eastern Davie for employment purposes; limits on deliveries and noise; 24-hour security; directional signage; limit on construction hours and access; construction/employment preference to Davie residents. Mr. Laystrom said the agreement would continue with the land, no matter who owned it.

Mayor Truex asked the other Council members if they would reconsider the Lorson Professional Campus from the previous meeting. He had spoken with the developer, and said he would agree to tabling the item for six months if the developer could get access to University.

Mayor Truex made a motion, seconded by Vice-Mayor Crowley, to reconsider items 3.9 and 3.26, the Lorson Professional Campus plat and site plan from the previous meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table those items for 60 days. In a voice vote, with Councilmember Paul out of the room, all voted in favor. (Motion carried 4-0)

Mayor Truex recessed the meeting at 9:35 p.m. and the meeting reconvened at 9:44 p.m.

Mayor Truex explained that the homeowner's association would be allowed one hour for their presentation, then the public would speak. The association and the applicant would then be allowed time for a summary.

A resident was opposed to the project because of the potential noise generated, which would disturb the adjacent residential neighborhood. She felt the construction of the wall would disturb wildlife. Considering the proximity of other large malls, she wondered if one more was needed or if the land could be put to better use, such as a park and/or animal rescue center.

Warren Niles, president of the Highland Ranches Homeowners Association, introduced Amy Huber, their attorney.

Ms. Huber stated they were here to oppose the land use change. She referred to Florida court opinions regarding changes to comprehensive land use plans, noting that courts had "consistently held that your comprehensive plan is like a constitution for development and zoning within your town." Ms. Huber stated that Section 12-304 contained the ten criteria for consideration of a change of use, and this project was in conflict with six of the ten criteria.

Ms. Huber stated the project was "contrary to the adopted comprehensive plan... or any element of portion thereof." She cited policies written in the Town's Evaluation and Appraisal Report [EAR], which noted that the growth should "support and complement the Town of Davie's quality of life," and also referred specifically to directing this growth to be in the downtown area. Ms. Huber said that in preparing the EAR, staff had identified areas where commercial development was most appropriate, and west Davie was not one of the areas. She felt this project would negate their entire redevelopment proposal.

Ms. Huber stated that the project would create an isolated district unrelated and incompatible with adjacent and nearby districts which was directly opposed to the second criterion, as well as land use policies that stressed that development must be compatible with existing adjacent land uses and communities. She listed the various modifications and additions from the development agreement that the developer had included to make the project compatible, and noted that if the project were truly compatible, such barriers and restrictions would be unnecessary. Ms. Huber noted that these modifications, instead of integrating the project into the Town, made it a totally separate entity, with its own regulations, police and fire service, and roads.

Ken Farkas, 15752 SW 15 Street, presented a slide show, and noted that I-75 had always provided a buffer between the residential and commercial development. He described changes the

project would bring to the residential area. Mr. Farkas reported that Highland Ranches and other homeowners associations had voted unanimously to oppose the project.

Mr. Farkas did not agree with Mr. Laystrom's opinion that the land was undesirable for residential development just because of its proximity to I-75 and the existence of overhead power lines. Mr. Farkas also projected that property taxes paid by residential development would exceed Mr. Laystrom's projections. Mr. Farkas compared this project to the Aventura Mall, and referred to crime statistics from 2006 that indicated 39% of all arrests in Aventura occurred at the mall. He felt that the traffic exiting I-75 would interfere with residential traffic in the area. Mr. Farkas described several Florida malls and how many entrances each had. He said the developer had promised to reassess the traffic situation five years after the mall opened, and Mr. Farkas believed an additional entry/exit would be required. He added that Shotgun Road would be the only option.

Mr. Farkas pointed out that the developer's renderings did not include any six-story and noted that this was because of the visibility of a 60-foot building from the surrounding area, despite the 30-foot berm. He presented photos of the Galleria Mall, which had a 45-foot berm, showing a 61-foot structure that was very visible from the surrounding neighborhood.

Mr. Farkas asked Council, "Don't sell out our lifestyle and don't change what defines Davie, don't allow a land use change."

Ms. Huber said Mr. Farkas's presentation showed the project would "adversely affect living conditions in the neighborhood or the Town of Davie," contrary to the fourth criterion.

Regarding the fifth criterion, concerning an increase in traffic congestion, or other public safety issues, Jackie Simmons 2601 SW 155 Lane, presented traffic data for Arvida Parkway, and asked what would happen when an accident affected the single access point to the mall.

Mayor Truex asked why the homeowner's association had not commissioned their own traffic report, when the developer had offered to pay for it. Ms. Huber said they had not been able to find a company to perform the study that had no conflict, and they also felt it was the Town's responsibility to do this, not the residents' responsibility.

Ms. Simmons did not believe the wall would provide noise relief for residents located to the south of the project. She felt the real issue was possible future access to shotgun Road, which would prove inevitable.

Ms. Huber referred to criterion eight: "Whether or not the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public," and felt this would certainly be the case.

Mr. Niles stated that only the developer would benefit, and nearby residents would lose. He said that residents wanted the land left for residential development. Mr. Niles asked Council to "do what you promised to do and what previous Town Councils have promised."

Ms. Huber introduced Broward County Property Appraiser Lori Parrish, to discuss the tax revenue issues concerning the tenth criterion, regarding the Town's tax base. Ms. Parrish noted that Fishkind & Associates had been given the wrong numbers with which to create their report. Ms. Parrish explained the developer's projected tax revenues were based on an incorrect [higher] millage rate, and presented her own figures, which, when projected out to 2020, showed the developer's figures to be inflated by \$6.5 million, approximately one-half million dollars per year. After computing for other taxes and fees, Ms. Parrish stated that net revenue would actually be \$373,639. She indicated that the revenue from single-family residential development would net \$1,033,580. Ms. Parrish explained the figures she had used to create her estimates.

Ms. Huber summarized that the change was inconsistent with the Town's comprehensive plan; it would create an isolated, incompatible district; it would adversely affect neighborhood and Town living conditions; it would create an excessive increase in traffic congestion and affect public safety; it would constitute a grant of special privilege to the owner, and it would not contribute the revenue the developer had claimed. She asked Council to stand by the Town's land use plan.

Dan Pignato, 6920 SW 56 Court, supported the project, and felt those who opposed it did not want it in their backyards. He noted the tax revenue the project could contribute and said the Town's teens would benefit from the jobs the project provided.

Mike Merolle, 13640 SW 29 Street, said he had enough growth, and asked Council to keep the property residential.

Ken Fortier, 13161 SW 29 Court, said his homeowner's association was not contacted by the developer regarding the project. He felt changing the land use would set a bad precedent, and asked Council not to approve the project.

Max Milam, 1480 SW 155 Avenue, was most concerned with the increase in crime he feared the project would bring. Mr. Milam thought the project "screams non-compatibility."

Bob Nettina, 510 Greaton Avenue, wondered how the developer could consider a project of this size with only one entrance.

Pete Salvo, 2700 SW 155 Lane, was concerned about the possible crime increase, and related statistics from area malls.

Miriam Farkas, 2240 Shotgun Road, said residential development would have more of an impact on her property in terms of increased traffic and noted that the additional number of kids enrolled in schools. She preferred this project to residential development and reported she had not received anything from the developer.

Robert Cooper, 15000 SW 24 Street, said he liked living in a peaceful neighborhood. He stated his opposition to the project.

Michael Giacin, 2681 SW 156 Avenue, said he opposed the project because it was adjacent to three residential neighborhoods. He was concerned about noise, traffic, and crime issues.

Jeff Cohen, SW 141 Terrace, felt something was seriously wrong with the way the Town functioned. He pointed out that the Commons project was clearly not in compliance with the Town's policies or the Comprehensive Plan, and was not compatible with the surrounding areas. He wondered how Town staff did not deny the application, since it was their job to enforce Town policies. Mr. Cohen felt it unfair to compel the residents to attend Council meetings a few times a year to lobby Council to prevent development they felt their ordinances already prevented and Town staff should be enforcing.

Doreen Campbell, 2230 SW 139 Avenue, stated that residential real estate, not malls, had kept the Florida economy thriving for the past five years. She felt a mega-mall and a Town were incompatible. She felt this was an opportunity for "Davie to show everyone that our government is not for sale at any price, no matter what the trend is in South Florida."

Hans Lankutis, 14101 SW 27 Court, suggested other uses for the property that would bring revenue to the Town and require a change to the Comprehensive Plan. He wondered why developers came to Council periodically to request changes for projects that were not allowed per the Comprehensive Plan.

Linda Taylor, 14990 SW 20 Street, was concerned that Oak Hill and Vista Lakes residents had not been notified about the project. She was worried about traffic issues.

Patrick Maloney, 14075 SW 44 Street, said he had moved to Davie within the year pursuing the equestrian lifestyle and the move had resulted in a tripling of his property taxes. He felt the Council was considering a "bait and switch on the residents..."

David Oakes, 4001 SW 108 Terrace, said he was currently a member of Town's Budget Advisory and Airport/Transportation Advisory Committees, both of which endorsed the project. He felt the project was needed to provide future tax revenues and asked Council to approve it.

Kamal Jani, 15000 SW 35 Street, felt nearby homeowners would put their homes up for sale if the project were approved, reducing tax revenues.

Suzie Becker, 13291 SW 41 Street, felt Homeland Security and FDOT would not allow the project to have only one entrance/exit and local roads would invariably be affected. She wondered where the power for the project would come from. Ms. Becker noted that western Davie needed to build schools due to the deteriorated condition of existing schools.

Pat Sacco said she was present on behalf of the Davie/Cooper City Chamber of Commerce, which had voted to support the Commons. She presented Mr. Muniz with their resolution regarding the project.

Jim Inklebarger, 2321 SW 98 Terrace, represented the Pine Island Ridge Board of Governors, and read a letter of endorsement for the project from the Pine Island Board. He took issue with some of the figures presented by Ms. Parrish.

Ed Scheffler, 5550 NW 44 Street - Lauderhill, stated his support of the project.

Ellis Traub, 13220 SW 32 Court, said he had spoken with 57 members of his community, and 55 of them were in favor of the project. He trusted the opinion of the professionals on Town staff that the project was in keeping with the Comprehensive Plan.

Janice Carulli, 15434 SW 31 Street, thanked the developer for conferring with residents and trying to create a compatible design, but felt there would be trouble with the facility in the future regarding traffic. She worried that if FDOT refused to allow the development with one entrance, the property would be sold to another developer who would not consult the residents on its projects. Ms. Carulli noted the failure of other area malls and was not sure the Commons could support high-end retail establishments.

Terry Santini, 4001 SW 108 Terrace - member of the Davie Community Redevelopment Agency, said plans to redevelop downtown were impossible because the infrastructure was inadequate. She felt the Town needed to seek new sources of revenue for the future. Ms. Santini reminded everyone that the Town had an approved economic development plan that defined areas for commercial development that would allow the Town to keep their rural feel. These areas were along SR 441, 595 and I-75.

David Stafford, 13210 SW 32 Court, supported the project because it would help provide revenue for the Town's maintenance.

Patti Koch, 1762 SW 103 Lane, stated her support for the project and felt it would provide additional revenue for the benefit of all Town residents.

John Pisula, 2933 SW 136 Avenue, felt this was a "short-term fix" for the Town's revenue needs. He felt the recently approved SR 441 corridor program would be an enormous boon for the Town. Mr. Pisula thought it was not necessary to put commercial development in a residential neighborhood.

Manfred Schweitzer, 15107 SW 36 Street, was opposed to the project. He believed that allowing the project would alter "the balance, the focus, the organization and the logic of this town..."

Tom Green, 1800 SW 116 Avenue, was concerned about quality of life issues such as traffic, noise, water quality and crime. He favored smart growth, which would involve homes or a smaller scale commercial development.

Dan Barr, 13323 SW 40 Street - member of the Budget Advisory Committee, stated that the Committee supported the project. He wondered why officials from the City of Weston would be speaking, and suggested that they had a lot to lose if The Commons were built in Davie, as Weston businesses would suffer.

Kim Fernandez, 15876 SW 17 Street, said she was concerned about the potential crime and traffic increase.

Arlene Azquierdo, 13284 SW 43 Street, said million-dollar homes were not located near malls. She was concerned about people from "a lot of undesirable places" coming to The Commons.

Councilmember Starkey wanted to hear from Davie residents before hearing from residents from other municipalities.

Councilmember Starkey made a motion to take the residents of the Town of Davie first in the public hearing and then hear from residents from other towns. Motion died for lack of a second.

Steve Amarant, 13360 SW 43 Street, was most concerned with the traffic impacts. He also noted that there was no question that tax revenues would increase because of this project, but did not feel it was worth the other potential negative impacts.

City of Weston Mayor Eric Hersch noted the regional effect of this project, and felt Council must be mindful of the impact on the entire area. He pointed out that this was not a case where a “vested right” was at stake and Council could use their judgment. Mayor Hersch felt that the only people that really won in this whole process are the lobbyists, lawyers, and consultants.

Weston City Manager John Flint requested copies of all items presented. He asked if this would be an independent or dependent community development district. Mr. Flint felt the Weston Commission and the Davie Council shared a common priority of public safety. He said that the City of Weston had consulted the Florida Highway Patrol and Broward County Emergency Management Department and had hired consultants pursuant to their concerns. Mr. Flint felt this project presented a peril to Davie, Weston, and other towns along the I-75 corridor.

Charles Fisher, representing James Lee Witt and Associates, said his firm had analyzed the project’s severely limited access points. Ed Cannon said he had considered the project from an emergency management and planning perspective and he was primarily concerned about the single access point in the event of a disaster. He noted that the walls, berms and lakes presented additional challenges to any evacuation.

Mitchell Chester, 10391 SW 16 Place, said they must not allow development to be frozen by a threat of terrorism. He felt the berms made the project compatible with the surrounding community and the project would provide jobs and revenue to help fund additional police personnel.

Norm Blanco, 2050 SW 72 Avenue, representing The Associations in Harbor Drive, said he had presented Mr. Muniz with several endorsements representing approximately 6,000 Davie residents. He listed previous projects he felt were incompatible, but had been supported because of the tax revenue they would provide. He asked Council to approve The Commons.

Lazlo Kis, 2641 SW 155 Lane, said he had moved to his neighborhood seeking a rural lifestyle and hoped this would not change.

Davie Police Sergeant Rich Moore presented a letter from the union president expressing support for the project. He felt the project would provide additional funds for added services and equipment to enhance public safety, and would be a destination of which the Town could be proud.

Sy Dorn, 6440 SW 42 Street and CRA and Davie/Cooper City Chamber of Commerce Board member, felt residents of other municipalities should not be speaking at this meeting.

Laurie Brasner, 3413 Dovecote Meadow Lane, stated there was no appropriate office space in the Town and, therefore, she supported the project. She felt the project would provide additional tax revenue for the future.

Fiona Cohen, 2940 SW 155 Lane, said she had sought “peace and tranquility” and had researched proposed land use changes prior to moving to her home in Davie and discovered there were no changes proposed until 2015. She was worried that if the land use was changed but FDOT opposed the Commons, some other commercial development could be built and additional entrances onto Shotgun Road would be required. Ms. Cohen felt that “common sense and compatibility with the space you have and the surrounding neighborhood has to prevail.”

Cyndi Richards, 14091 SW 26 Court, said she had lived in Sunrise prior to the Sawgrass Mall’s development, and noted the detrimental effect this had on the surrounding areas. She asked Council to refuse the request.

Michelle Knipp, 15587 SW 20 Street, said she had done research as Ms. Richards had, and opposed the project. She was concerned about the impact of construction, the possible increase in crime, and the “sheer absurdity of a single entrance.”

Robert Phillipson, 10998 Garden Ridge Court, supported the project and felt it would be an upscale destination and it would add to the tax base.

Neil Kalis, 7320 Griffin Road, supported the project. He felt that in the past, the Town had failed to capitalize on opportunities when they presented themselves, and now opportunities were disappearing.

Stuart Podel, 14151 SW 26 Court, was opposed to the project and he did not feel there was an economic demand for this type of development now. He said the jobs the project would provide were

not needed at this time and he felt the single access point was comical. Mr. Podel favored an "expand on demand" project should be considered.

Damon Carroll, 2701 SW 154 Lane, suggested the project be moved to a more appropriate commercial location. He felt that if the project suited the area, it would not need all of the remediation.

Linda Hall, 14701 SW 26 Street, opposed the project in a residential neighborhood and asked Council to consider the nearby residents.

Scott McLaughlin, 5016 South University Drive, supported the project. He acknowledged that the project did not fit in with the neighborhood, but felt the project would be isolated enough for the neighborhood to be unaffected.

Elroy Zart, a Vista Lakes resident, said he had moved to Davie, despite a 500% increase in property taxes, because he desired the lifestyle. He felt this project represented a lifestyle/economic choice and asked Council to refuse the request.

Jason Diamond, 15017 SW 20 Street, said he opposed the project. He said that at some point, an additional access point would be required.

Mark Milrot, 15467 SW 20 Street, was opposed to the project because it did not fit in with the neighborhood. He felt the 100-foot berm would block his family's view of the sky.

Dawn Shevlin, 2600 SW 154 Lane, stated that western Davie was a rural area. She feared an increase in crime if the Commons were built, and a decrease in property values.

Sylvia Clements was concerned how deep the lake would need to be dredged. She remarked on the early, long hours at construction sites, and the disruption and noise this would create.

Chet Romano, 15917 SW 20 Street, said he had checked the land use of the area when he purchased his home, and felt it was not right to change the use now. Mr. Romano did not feel the project fit in with the surrounding community, or was needed by the community.

(see attached for verbatim minutes)

Mr. Kutney informed Councilmember Caletka that he could recall no project like this coming through Davie in the last 20 years. He explained the process staff used to consider the project.

Vice-Mayor Crowley was concerned about the single access point and other issues, but he supported moving the project forward now.

Councilmember Paul stated her opposition to the project, and said she was scared "to death" that FDOT would open up their right-of-way on 26th Street from I-75 to Shotgun Road. She read a portion of a letter from Rick Chesser at FDOT, dated 2003, indicating a connection between the Arvida Parkway and Shotgun Road to access The Commons was the only acceptable option. She stressed that FDOT did not require Davie's approval for this.

Councilmember Paul felt this was a quality of life issue. She discussed the traffic and vehicular accident increase, additional gasoline consumption, local air pollution and contribution to global warming. Councilmember Paul pointed out that once the project was built, the traffic problems could not be mitigated.

Mr. Laystrom advised that FDOT's position had changed since the 2003 letter was written.

Councilmember Starkey said she had received many emails and phone calls in favor of the project and said her decisions were based on the best interests of the Town, not current public opinion. She noted how the developer had responded to the community's concerns and said that the developer had also acknowledged that this was not a guaranteed right because it was being transmitted. Councilmember Starkey said she would support sending the project on for review by other agencies.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve subject to site plan approval and public agencies' approval through the transmittal stage.

Councilmember Starkey suggested adding "staff recommendations and what the applicant had attested to during this proceeding." Vice-Mayor Crowley added, "subject to the staff recommendations and the testament from the applicant himself." Mayor Truex clarified, all affirmative things the applicant had either offered or agreed to during their meeting. Vice-Mayor Crowley noted that Council

would have the opportunity to review some items again, such as the development agreement, but “the main thing is approvals from the other agencies that they have to transmit to and also the site plan.”

Mayor Truex said he would vote in favor of the project because the Town was not going to remain solvent in perpetuity something wasn't done. He admitted that money was a big part of it, but felt it would not be a detriment to the neighborhood. Mayor Truex stated that the project might be turned down in the future unless there was a 100% guaranteed that there could not be a connection to Shotgun Road. He said he would oppose the project if there was "a 1% chance it could happen in the future."

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 4-1)

Ordinances - First Reading (Second and Final Reading to be held February 21, 2007)

- 6.3 **RELEASE** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PETITION FOR THE RELEASE OF A CANAL RESERVATION AND ROAD RIGHTS-OF-WAY FOR THE NORTHEAST CORNER OF FLAMINGO ROAD AND ORANGE DRIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Earlier in the meeting, as no applicant was present, Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to table item 6.3 to February 21, 2007. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.4 **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 7-1-05 "THREE OAK BUSINESS CENTER", VACATING PUBLIC RIGHT-OF-WAY AS SHOWN ON THE PLAT OF "DAVIE TROPICANA REPLAT", AS RECORDED IN PLAT BOOK 165, PAGES 12, OF THE PUBLIC RECORDS OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 7-1-05, Three Oaks Business Center, 5951 Orange Drive) *Planning and Zoning Board recommended approval*

Mr. Cherof read the ordinance by title. Mayor Truex stated the public hearing on this item would be held on February 21, 2007.

Mayor Truex opened the public hearing portion of the meeting.

Stephanie Grindell, 2900 SW 155 Lane, asked what the public purpose was for the vacation.

Mayor Truex closed the public hearing.

An unidentified woman explained that the traffic way had been reduced and this was requested to make this property developable as an office building.

The project architect referred to the site plan, and noted that the vacated area would be landscaped near the street. Any parking would be located closer to the building, far from the property line.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Quasi Judicial Items

- 6.5 **VARIANCE** - V 10-1-06, Lessard, 8005 SW 29th Street (R-3) (to reduce the minimum east side setback from 15 feet to 7.1 feet from the property line) *Planning and Zoning Board recommended approval*

Mr. Cherof swore in the witnesses.

Deborah Lessard, the applicant, explained that they had lost their screen room during Hurricane Wilma and wanted to replace it exactly as it was.

Mr. Dell confirmed that no objections had been received from neighbors.

Mr. Cherof indicated that as no one else was sworn in, a public hearing was not needed.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.6 **SPECIAL PERMIT** - SE 2-3-06, Bradford Marine, 3051 State Road 84 (M-2) (placement of a modular unit to be used as an office while construction of a primary structure is being performed) *Planning and Zoning Board recommended approval*

Mr. Cherof swore in the witnesses.

Gene Douglas, Vice President of Bradford Marine, explained the trailer was temporary, while they rebuilt a structure lost to Hurricane Wilma.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.7 **SPECIAL PERMIT** - SE 11-01-06, Point West Center - I/AN Imports on Weston Road, Inc., 4050 Weston Road (BP) (to allow outdoor storage of vehicles) *Planning and Zoning Board recommended approval subject to a temporary special permit for 12 months subject to Town's Code Enforcement or other Town representative taking a visual observation of the site to look for any oil spills that may be hazardous and for the applicant to clean up any of those spills before proceeding with the installation of the mulch; and that the applicant accepts the conditions made by the Development Review Committee and will continue to comply with those conditions*

This item was tabled earlier in the meeting.

Item to be tabled

- 6.8 **PETITIONER REQUESTING A TABLING TO FEBRUARY 21, 2007**
SPECIAL PERMIT - SE 2-2-06, Laystrom and Voight/Iryn Farm, LLC, 5241 SW 82 Avenue (CF) (for a private equestrian facility with a trailer to be used as an office) *Planning and Zoning Board recommended approval subject to the following stipulations: 1) the temporary use permit is for 18 months; 2) no commercial use; 3) no access from 82 Avenue; 4) no more than 16 horses to be stabled; 5) no audio equipment; 6) security lighting only; and 7) practice best method for horse manure disposal*

This item was tabled earlier in the meeting.

7. **APPOINTMENTS**

7.1 Mayor Truex

- 6.1.5. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

- 6.1.6. Water and Environmental Advisory Board (one exclusive appointment; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

- 6.1.7. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.2 Councilmember Paul

- 7.2.1. Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

7.3 Councilmember Starkey

- 7.3.1. Airport Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made.

- 7.3.1. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.4 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

Mayor Truex said the remaining agenda items would be addressed at the next Council meeting, but he wanted to discuss the situation with the former Town attorney. He advised that Mr. Cherof had determined that the contract with the former Town attorney was enforceable and wanted to authorize Mr. Shimun to make payments to Mr. Kiar per the contract.

Mr. Cherof stated that the severance provisions of the contract were enforceable. To date, Mr. Kiar had transitioned 24 matters to Mr. Cherof's office, and there were other items that would require Mr. Kiar's continued service. He requested authorization to direct Mr. Kiar to do the work necessary to protect the Town's interests.

Councilmember Paul said it was imperative that every file was transmitted immediately to the new Town attorney.

Councilmember Starkey said Mr. Shimun had sent a memorandum regarding cashing in the Alliance Annuity, but she remembered that at a previous meeting, Council had directed that special counsel Sue Delegal, the risk manager and Mr. Shimun pursue the insurance process. Assistant Town

Administrator Ken Cohen stated staff was pursuing more than one way to recover the money to speed up the process. Mr. Shimun said he had received e-mails from Ms. Delegal authorizing him to take this action.

8. OLD BUSINESS

8.1 McBroom Conservation Easement - Councilmember Starkey
This item was deferred to the next meeting.

9. NEW BUSINESS

9.1 Return of Credit Cards by Council - Councilmember Caletka
This item was deferred to the next meeting.

10. MAYOR/COUNCILMEMBER'S COMMENTS

No comments were provided.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

12. TOWN ATTORNEY'S COMMENTS

No comments were provided.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 3:10 a.m.

Approved _____

Mayor/Councilmember

Town Clerk

ITEM 6.2

MS. HUBER: I think that the decision before you is very simple. As I stated earlier, your code gives you ten points to evaluate tonight, and nothing that I have heard in the presentation has addressed those ten points. Yes, the project is beautiful. There is not a person in this room that I don't think looks at that and doesn't say, "it's beautiful".

It's in the wrong place. The area is zoned residential and it needs to stay residential, and the reason for that is because it's inconsistent with your comprehensive plan to do anything else. It's incompatible with the surrounding neighborhood. You are creating an isolated district.

There was a question tonight regarding the economic vitality of this Town. Your staff did an amazing job evaluating exactly that, and I'd like to present to the clerk and to the Council, the section from your EAR that addresses economic vitality. And your staff said there are commercial places within this Town where it needs to go.

It's very simple, they've found the solution for you. The solution is, put the commercial where the commercial is zoned. And do you know how much existing commercial, it's already zoned commercial that your Town has? Two hundred and ninety acres existing undeveloped commercial land. There is no need to change a hundred and fifty-two acres in a residential neighborhood into commercial land. You have the land here. Utilize what's already existing.

The issue before you is very simple. This is not an as of right project, this is somebody coming to you, asking you to change the land use. Your code has set forth criteria, and I hope that you look at them and seriously consider them tonight before you make a decision.

And I hope that you recognize that this proposed change is inconsistent, incompatible, and will forever adversely affect this neighborhood. And once the change is made, it is forever, you cannot go back. Once the development is there, it is there forever and these residents will be forced to have commercial development surrounding their neighborhood whether or not it's successful.

And so, we urge you tonight to vote against the proposed land use change, keep the zoning the way that it is and allow a hundred and fifty-two new residents to come before you in the Town of Davie.

MAYOR TRUEX: Okay, thank you. Don't go too far, in case we questions though.

MS. HUBER: I will be right there.

MAYOR TRUEX: Okay, Mr. Laystrom? Let me ask you a question, did staff want to make a presentation or tell us anything? You just want to be available for questions, or what was your intent?

MS. NOLAN: A lot of the items we were going to go over with you this evening have already been covered, so we are here to answer any questions as well as details that you have. We also have our consultants here as well.

MAYOR TRUEX: Well, maybe think about, when the applicant's finished, maybe, if staff - you don't have to, it's late - but if you think there's anything that you want to highlight, you're going to have a chance to do that when the applicant's finished. Okay.

MR. LAYSTROM: Mayor, members of the Council, I know it's late of hour, and I will do my best to be brief. We have a number of things that I want to cover while we're setting up for some of the - I call it the buffering issues - I'd like to go over a couple of things.

First off, we had an extensive presentation by the property appraiser for Broward County. I have several expert witnesses ready to contest each figure that she had. She forgot that you also have debt that you have to repay as part of your millage rate, and that's the spread that was not part of her report. She's, the square footage prices that she has for the commercial properties isn't even close to what this property will be - that's the reason for the difference.

But what I'd like to do is propose something slightly different. I thought about it as she was speaking, and what I thought we would do is simply, as part of the developers agreement, we will guarantee you, in writing, 3.522, whatever our study shows, net to you, revenues to the Town of Davie.

And what we will do is, we will put that in the developers agreement regardless, that way, if for some reason, Lori really appraises us low, we will cover, we will simply guarantee that amount. So that you will guaranteed that when we open, you will get 3.5 million net.

MAYOR TRUEX: Is that, are you saying you're going to guarantee that before the police officers and the fire station and those things?

MR. LAYSTROM: Correct. That's net. We also have to take care of our roads. I know there were some questions of whether we do it by a community development district or we just pay for it. We will also pay for our roads as well as the fire and police that ultimately your staff determines is necessary for a project.

MAYOR TRUEX: And how about going forward. That's the first year you're talking about.

MR. LAYSTROM: We would do the same thing in each of the succeeding years to some number of years that the Council felt was appropriate.

MAYOR TRUEX: [Inaudible]

MR. LAYSTROM: We could probably say, I mean, I'd go back just to take a look, but we could probably, between now and the adoption say forever, because we truly believe, and we have shown you, that the values on this thing will go up and up and up.

So, certainly from the net standpoint, the 3.5 is something we can provide a guarantee to the Town, and we'll do that in writing. And that's something that I

think several speakers spoke about. We have to remember, again, we are at the transmittal stage, this - this is the opportunity for us now also.

We've gotten the input from the residents, we've gotten the input from Planning and Zoning Board, Budget Committee, Transportation Committee, and you're another step in the process of transmitting this so that we can get FDOT's comments, we can get comments from the County as well. And now's the time, we'll go through the things that are important to you and add that to our product and we come back to you for the adoption hearing, we will have it in writing in the developer's agreement or whatever the town attorney feels is the appropriate written vehicle so that you don't have to worry that it changes. And if anybody after me is also obligated to that.

If we sell the project for some reason, it would actually follow the land and be a guarantee for whoever would buy it, be a public record such that they would know if they purchased the property.

And that's with all of our commitments. And the reason for that, and we get chastised for, I call it "trying to address issues," when this project started, I did not bring the original site plan we had from 2001, this project has undergone probably fifty changes to this site plan that you see today.

The berm was something that was requested at the second - first, I believe it was the first citizens participation meeting. The reason we did it is because we wanted to provide a buffer. That's what the residents asked us. They asked us not to have equestrian trails running along the north and south boundaries of our property which were originally in there. And then it's "well, you're trying to seal yourself off." The answer is, we think we have a gorgeous project. We don't need the buffers. We don't believe we need the buffers. We need the water from Central Broward Water Control District, but we do not need those buffers to seal us away, but the residents asked us for that and that's why we did it.

We - some comments regarding the five-year study, the traffic after we get there. We have two huge traffic reports. I've brought them, if you want to take a look at them, they're here. You then hired two experts - the Town did - an expert to look at the DRI traffic, which is the Development of Regional Impact, and an expert to look at the local traffic.

In both instances, they indicated that our traffic reports were accurate. And the numbers that I gave you today were accurate. So, where do we get? Staff said, "well, let's just make sure, by having an additional look at the traffic when you actually open, and an additional look at the traffic five years later.

We also had a comment, "well, what happens if, along the way, FDOT changes its mind?" Make that a contingency, it would actually be at the adoption, but you could make that as a contingency today. I've agreed to it, make it a contingency of our land use. If we don't get the approval from FDOT, we don't go forward.

MAYOR TRUEX: How do you do that: one way in and one way out? A lot of people raised that point.

MR. LAYSTROM: Let me talk about that. And I want to - first I'm going to give you the - because we've had that before. Let me start with Port Everglades, two entrances, the airport, one entrance, FIU, a hundred and ninety-five-acre campus for Biscayne, one entrance, Keys, one entrance.

I can go through all the different projects and all the traffic generations that allowed that to happen. But we went a step further. We also studied all of the different areas where you might have an accident. The difficulty there is simply, I've got a box of stuff, of stuff which are reports, but that's not - we're at the transmission stage. What will happen is, those are the reports that come as part of typically the FDOT review of the IMR, which is simply a different path.

But if you want me to, I have no problem in going through - I call it a tanker incident, just as an example - at each of the different locations that Weston brought up tonight. It's interesting because they said we haven't met with them since 2005, well the truth is, they didn't want to meet with us since 2003. And each time, they come up with a different argument as to why - none of those boards were at the P and Z. Why? Because at that one, they were arguing that FDOT couldn't do what FDOT then told them, "oh yes, we can do this entrance."

What we would propose, if we do need a second entrance is, there is an opportunity - I'm going to just - I'm going to go out of order. And, by the way, several residents have asked me about that as well. What we would do is, we would put additional access [inaudible] right here. It would be an emergency access, same type of situation that either the Fire Department could use to get in or out, or you could evacuate this facility if this catastrophic accident were to happen.

We have looked at that, we believe that FDOT will approve it, and we believe that that will solve the issue regarding "an additional access". We don't believe, because of the examples that I just gave you of the airport etcetera, that we need an extra access to make this traffic work under normal conditions.

When they studied that, and Weston studied it, they came to the same conclusion. That's why they didn't make that argument today. Today it's, "Well, what happens if there's an accident?" So we would provide the additional exit along that north entrance to allow the traffic out onto seventy-five. That was our proposal, that's what we proposed, that's what I talked to the residents who asked me about that, and that was always our intent to provide that additional access.

If you decide to allow a fire station on Shotgun Road, yes, would that be for emergencies? Yes it would be. But you don't have to allow that. You can make that decision at the time of adoption after you had FDOT's comments to our plans, so that you actually have them in front of you.

This is the starting point, not the end - everybody seems to think, at least from the opposition, that somehow this is the ending point. It really is not. So, with regard to one entrances, I'll provide you as many examples as you want to, with traffic flows equal to or greater than this.

Quite frankly, a one-entrance facility actually has greater safety features than one that has multiple access points. All of the examples that they gave, both for vision, which we'll talk about in just one second, and for access are all malls that open on to local roads. Yes, we could have four entrances. We don't need it. We don't need it.

Quite frankly, those other projects don't need those accesses either. They want it, but they don't need it. And that's the beauty of this site and it's ability to access I-seventy-five. It is unique. Sawgrass Mills doesn't have direct access, it has indirect access because it goes through the regional roads, which are Sunrise Boulevard, Flamingo - and I can go through each of the malls.

But I wanted to go to the site plan. Bob, if you could do the sight line. We talked about sight lines, and there were some interesting pictures of the garage in front of the Galleria being forty-five feet. Part of the way that you look at sight lines is the distance between the barrier and the actual building.

And as you will see, [inaudible] the interesting part about sight lines is it's the distance between the block -

MAYOR TRUEX: Here you are.

MR. LAYSTROM: It's the distance between the block and the actual barrier. And so what you have here is our sixty-foot building with the thirty-foot berm and the trees on top of it. We did it from the top of the first floor, and the top of the second floor, both on Southwest Twentieth and then we have another slide for Shotgun Road.

And in both instances, because of the distance between the barrier being close to the road and the buildings behind it, you will not be able to see those buildings. Could you, at some distance, when you got three miles away, see something at the top of the trees? Perhaps. But let's talk about what's out there today. What's out there today is seventy-five to ninety-foot lights at Arvida Parkway. What's out there today is a multi-story hospital. I think it's five, six stories, maybe taller.

We have commercial corridor running along seventy-five. Now Dennis is going to make a little bit greater presentation on the corridor out there as well as the standards of the land development code for land use amendments.

But I want to talk a little bit about what the vision is today because I think people miss the fact that you've got I-seventy-five with the noise and you've got I-seventy-five with the tall lights. Our project would be lower than those lights.

One lady got up here and talked about the orange lights that are out there. Well, those are the FDOT lights, and our project actually will be in between a majority of the Oak Hill neighborhood and those lights. It will act as its own buffer in addition to what we're going to do on our site. So with that I'd like to -

MAYOR TRUEX: How about the lights going in and out on the roadway? The access ramp, how about the lights on that, what kind of lights are going to be there?

MR. LAYSTROM: We'll put those at - we agreed to the California night light ordinance, meaning it doesn't slip off out site. Bob, [inaudible] twenty feet is what we've capped our lights at and we have a study if Bob can pull it up.

MAYOR TRUEX: But FDOT will permit whatever that type of light is on their access ramp? Aren't the ramp lights -

MR. LAYSTROM: We just have to put them closer.

MAYOR TRUEX: But you'll be permitted to do that, you would -

MR. LAYSTROM: We're going through their process. That's a request that you'll make of me and that's a request I'll make of them. If I come back and I can't do it, you will make that decision of whether that's unacceptable. Whether they - I believe that they will accept it. I won't know until I ask for sure. It hasn't been, as I said, an issue that's been raised with them yet because it wasn't asked of us, but we will go after them.

People talk about this project being something that can go on state road seven. Quite frankly, the Town needs the money to get the state road seven project going. You need the money for the infrastructure that goes with it. We will put in all of the infrastructure that's required for this project.

I talked about roads, somebody mentioned a substation. If the substation needs to be upgraded because FPL says they don't have enough service there, that's going to be our obligation. There's no obligation that we are imposing on the Town of Davie, other than to look at our building permits when we finally get to that standpoint.

How does a buffer make something compatible? Well, if that were the case, then none of your commercial properties, and I was looking at your map, if you look at the commercial properties at Griffin and seventy-five on the east side of seventy-five, you have commercial up against the light yellow.

You have the Shannonshowa [phonetic] shopping center, with residences behind it. The difference here is instead of an eight-foot wall with perhaps landscaping on either side, we've gone the extra step and put in a ten to twelve million dollar berm and landscaping to mask ourselves, because the residents asked. We believe we're beautiful, and I believe that we will show you our views from across the water.

This is the view from Highland Ranches, Shotgun Road side - and if you have the other one Bob - this is the interior view as you would be driving into our project the berm on our side would be a little more active with the waterfalls, because we heard at the residents meetings that they wanted something as natural as possible, that doesn't look like it's a sculptured berm or as I call it, a Disney World saying "Welcome to The Commons" or something like that.

C/M CALETKA: Excuse me Mr. Laystrom, would that mean that the berm that would go in there would be an unmanicured berm?

MR. LAYSTROM: Yes. It would be maintained, don't separate - the type of berm, you would normally see on something like this would be a tiered berm with landscaping that you could kind of see the definition of it.

We intend to make it much more natural, so that it grows of itself. But we would still have to maintain it, we will still have to keep out exotic vegetation, we will still have to keep it at the heights that we promised, with replacing dead materials.

MAYOR TRUEX: Is that a requirement or an accommodation? Could you could do it either way, does it matter to the developer? That unmanicured look, is that because that's the look you felt that -

MR. LAYSTROM: Correct. And the same thing with the look of the buildings. Please feel free to comment on it, we tried to capture what we think is a vision for western Davie. Please feel free to comment on landscaping as well, we are wide open for that, again -

MAYOR TRUEX: So, if it was approved, and the Town wanted the other look?

MR. LAYSTROM: Absolutely put it in.

C/M CALETKA: So if this was - it's still going to be maintained, what is the cost of maintaining that berm?

MR. LAYSTROM: Bob?

BOB: Right off the top of my head I'm estimating around two hundred thousand dollars.

MR. LAYSTROM: We're at about two hundred thousand dollars, and that's annually, correct?

BOB: Yes.

C/M CALETKA: And it's going to cost ten million dollars to build this berm.

MR. LAYSTROM: Yes.

C/M CALETKA: I just wanted to make sure.

MR. LAYSTROM: For those - also in the developers agreement - it is a hundred feet is the width of the berm and the height is not that high. Its four to one, four to one slope.

Somebody also mentioned how are we going to build the lakes with the appropriate slopes, the absolute answer is yes. Central Broward Water Control District will control the design of each of those lakes.

There was a lot of talk about, I call it, safety or security, and I'm going to divide that into two parts. The first part is to the neighborhoods. Somebody parks in our parking lot and somehow is able to go into the neighborhoods and cause some sort of trouble.

We have no access to the neighborhoods, we're not looking for access. We purposely put a berm, a large water body and a thirty-foot wall to prevent access in and out of this site.

The second issue - and I hope that's, everybody feels that's sufficient - nobody's going to park, try to climb the berm, swim the lake, get across the Central Broward Canal and go into the neighborhood, take something and then somehow get back.

The second one is the accident, the safety history of, they had Aventura Mall and a few others. When we go through that process with both the fire chief and the police chief, we have the call volumes for Destin Commons and all the Town Centers which are completely different than what you're going to find at Sawgrass Mills and all those other projects.

The Aventura Mall is a highly active mall in a highly dense, contained area. That's why this mall is different, just the same as it's different on Lori Parrish's valuations. The crime rates here will be next to nothing compared to those malls and we'll prove that as part, through the adoption process and to the satisfaction of the police chief and the fire chief.

And that's also part of site planning, we want to use septet [phonetic] principles. Dennis is going to talk a little bit about the green environmental. I know Tom Green spoke about it. We want to be environmental friendly. We're looking for certification from the International Audubon, and we're also looking for certification from the Green Builders Association, because we want to do those things.

This is supposed to be a special place where people point to and say, "they did, they went the extra mile". But also, it's good business. It's lower maintenance in the long run. Green buildings typically are much lower maintenance. You have to put a lot more money in at the beginning, but it pays off at the end. And so, we are committed to that.

I already mentioned, somebody had said that nobody had reviewed the traffic. We've done it, FDOT looked at it, the Regional Planning Council's looking at it, your two experts have looked at it.

We did make the offer before, we also offered to walk those neighborhoods adjacent to the site, and were told that we weren't allowed in to either Highlander Ranches or Riverstone, which are gated communities.

I don't know that the rural lifestyle - one thing people talked about is the rural lifestyle on Shotgun Road. I know Shotgun Road well. If you start of the south corner you have the middle school site, then you have the archdiocese site. One lady who lives there mentioned that she works at Fourteenth and Shotgun. Well that's correct, because if you go past Fourteenth on Shotgun, it's not residential anymore.

Now that is the city of Sunrise, just to let the Town of Davie Town Council know, let the residents know that it's not the Davie Town Council that did it, but there's

actually commercial on this side of seventy-five, on this side, meaning the east side of seventy-five if you just go north a little bit. In fact, I did the Tower Group project in Davie, which is an industrial project, industrial/business park project across from Vista Flora.

So if you wind the roads around to go to the back entrance to I-five ninety-five, you'll go past commercial businesses including offices and everything else on the east side of seventy-five. It's that -

MAYOR TRUEX: Sunrise, we know where it is.

MR. LAYSTROM: It's that white box, that doesn't fit in your map. Somebody asked us about dynamiting. There is no blasting - I repeat - no blasting on this project whatsoever.

If FDOT changes the access during the process, again, we're committed to stopping the project and not moving forward. We will have two and a half years, I estimate, of approvals before we will even get a building permit to build this project. Probably have another nine months or so to go on this portion, which is the land-use part. We then have to do, if you remember, the rezoning.

Platting generally takes approximately a year. We have site planning to do, and on a project this size I'm anticipating a much longer site plan process than what normally occurs because of the amount of detail that's needed in order to get through the various approvals that we have to get through.

Rapid evacuation, again, I've showed you the alternate access point, that we'll use on seventy-five. Construction access, somebody asked about that, I thought I brought it up during my initial presentation. Construction access is off seventy-five. The first thing we will do is build the ramps that go into and out of the site to allow construction access on seventy-five.

Somebody asked while I was out of the room, if the firefighters had endorsed the project. Yes, and in your six-volume package you have a letter from the firefighters endorsing this project.

And with that, I believe I have covered - I'm not going to cover the truck stop and its different access points, all of those examples were examples of projects that were not on an interstate.

We have also proposed land-use text to your land-use plan so that we can protect the balance of the neighborhood from the perception that somehow if you do this, the next project down might be somewhere along Shotgun Road. Dennis will cover that as part of his presentation.

MAYOR TRUEX: I have a couple of questions about the roads that you covered. Some of the residents brought up that eventually there'll be a connection to Shotgun. How could you possibly guarantee that in five, ten years, a different Council did not, would not authorize that?

I think one or more person brought up, they'll find out that they cannot get in or out, and so a subsequent Council will approve access to Shotgun. How could you possibly keep that from happening?

MR. LAYSTROM: Well I have two ways to do that. The first way is to have the deed restriction that I'm proposing with regard to no access to Shotgun running to the residents themselves, in addition to the Town. So that the only way that that deed restriction could be violated or changed is if we had a hundred percent approval from whatever residents would want that right to say no. Which I would anticipate would be many.

MAYOR TRUEX: Could you put that in favor of a whole neighborhood?

MR. LAYSTROM: Um hmm [affirmative].

MAYOR TRUEX: Multiple neighborhoods?

MR. LAYSTROM: Individually, or an association.

MAYOR TRUEX: So, if somebody bought in later on, they would have to get approval or go to -

MR. LAYSTROM: I would do the individual homeowners because it's a hundred percent. Somebody might say, "Well, they'll talk my homeowners Association into doing it." So I would run it to the individuals and the homeowners association, you cover both.

MAYOR TRUEX: So a Council couldn't change that, you'd have to have, you're saying you'd have to have the individual homeowners?

MR. LAYSTROM: It would say "requires unanimous approval to change it."

MAYOR TRUEX: Okay.

C/M CALETKA: Mr. Laystrom?

MR. LAYSTROM: Yes.

C/M CALETKA: I have a question. You have a berm that runs east and west on the north side that drops down south, which is adjacent to Shotgun. And then at the lower, on the southern portion, you actually just have a sound wall. Why is the berm not extended on the south side?

MR. LAYSTROM: When we looked at the homes to the south, they all use that portion of the property as what I call their, we'll call it extended backyard. It's not within their backyard, but if I rolled the berm up over there, it would be right, it would be much closer to their houses than the wooded areas that are there today. So we draw it back, because the berm is a four-to-one slope, it's a hundred feet wide, I can put landscaping on both sides of the sound wall. And they indicated when he met with the ones that would meet with us, that they would prefer the sound wall.

C/M CALETKA: But they'll have to look at a wall.

MR. LAYSTROM: We believe, and, Bob, do you have that rendering [inaudible]? This is a cross-section of the wall. To the left side of the wall from your vantage point is the entrance road coming into the project.

As you notice the sight line - we looked at this very carefully - the sight line from the homes which are back here comes, we wanted to make sure we masked not only the road itself but also the cars that would be coming in on that road. And then on this side, we've left the natural looking vegetation on that side, including the vegetation that's already there in the extended backyards.

Unknown Speaker: That's not [inaudible].

MR. LAYSTROM: Right.

C/M CALETKA: And it will need to be maintained, I assume? So you all will maintain it?

MR. LAYSTROM: Yes. They will need to be thinned is the best way to describe, yes.

C/M CALETKA: And, is that going to encroach on their privacy in any fashion, if they have a yard right there [inaudible]?

MR. LAYSTROM: Well, we don't anticipate, because we're simply thinning it out, that we will be there more than once every six months, perhaps at the most. If you wanted us to do this, we would provide a notice, I'll put a notice provision, let them know that we are coming so they get advanced warning and do it in the middle of the day, if that would be of assistance.

C/M CALETKA: Okay, thank you.

MAYOR TRUEX: Mrs. Starkey, you had a question?

C/M STARKEY: No, that's okay. Everything else, obviously, we could address if it goes forward with the site plan. No, he answered my question.

MAYOR TRUEX: Okay, Mr. Laystrom.

V/M CROWLEY: Mr. Laystrom, I do have one question. On the CDD, dependent or independent?

MR. LAYSTROM: Let me ask, Mr. Mele, which were we -

V/M CROWLEY: That was a question [inaudible]

MR. LAYSTROM: We hadn't really gotten that far on the district as far as - because we may just pay the bills ourselves.

V/M CROWLEY: So you're not proposing a CDD?

MR. LAYSTROM: We're not proposing a CDD. If we do, we'll have to come before you. The only reason we would do it as a mechanism to assess. But everybody within this project will be a tenant, so we can also just roll it into the leases.

And if the issue on the CDD is whether or not then the Town would be able to get the incremental financing or we'd keep it within the CDD, we'd simply revert it back to you anyway. I think that was the indirect question they were asking.

But no, it would not be our intent to then keep that money within our district and not allow the Town the advantage of the tax, the assessed value increases that you would get the benefit of. And I believe I've answered all the questions that I can think of from the residents, but Town Council -

C/M CALETKA: One resident mentioned that you have a sixty-foot tall building. There was potential for it to be even more visible, if you put something else on top of it like an antenna or some kind of communication device. Is there, can you restrict it to a maximum of sixty feet? So that means that if you had a need for something like that it would have to go somewhere else?

MR. LAYSTROM: Again, part of the site plan process, but yes, if you make that a condition today, we will certainly add that language in to take a quick look, but I think we'd be fine with that. Because actually we're what, about fifty three, fifty-four feet I think, at the most. And we just keep that type of equipment off the parking garages. I think they're the own the ones that would be close.

C/M CALETKA: Thank you.

MR. LAYSTROM: And by the way, these are decorative garages. I hate to have a comparison to my other client, Mr. Case, and his facility.

MAYOR TRUEX: Okay, what else do you have?

MR. LAYSTROM: I have Dennis Mele, just, we want to go through the criteria. I know the opponents spent a lot of time on that. Your professional staff has already rendered an opinion based on our original responses, but I know Dennis wants to just run through them for you, if we could. Thank you.

MAYOR TRUEX: Okay.

MR. MELE: I think it's important, just for the record this evening, because of course when you're doing our land-use plan amendment, the decision is to be made based on those criteria. In fact, section 12 – 304 of the town code, which was referred to earlier as part of the Highland Ranches presentation, is in the agenda package for this evening in your back up. It's on the nineteenth page. The pages aren't numbered, but I just counted it real quick.

And it begins in the middle of the page and it says "Findings of Fact", and this staff report goes through all ten of the findings of fact. And of course, the findings are contrary to what you heard earlier this evening.

First, fact number one is that the proposed change is not contrary to the adopted comprehensive plan and the agenda backup quotes several objectives and policies of your comprehensive plan that show that this project, with the design that's been put in place and with the addition of the new policy twenty-eight renders this amendment consistent with the comprehensive plan and not contrary to the plan.

There was a couple of statements made during that presentation earlier this evening that your EAR, which is your Evaluation Appraisal Report, which you do every five years according to state law, states that you're supposed to discourage urban sprawl. The aerial photographs that you've seen this evening clearly show that this isn't urban sprawl, it's infill. There's development all around it now. Urban sprawl is when you go out on the edge.

If we were building out at US twenty-seven that would be urban sprawl. This isn't urban sprawl, there's development around it on all four sides today.

Secondly, the second item. The report states that the proposed change would not be incompatible with adjacent or nearby districts. Now, the other portion of that line is that [inaudible] create isolated or unrelated districts. Can we put up the map, Bob, I think it's the next slide in the package.

This map here is showing you a compilation of the comprehensive plans in the area. So you have Sunrise over here. You have Davie in here, and down here, and then you have Weston over here.

Now, you will see along I-seventy-five, particularly at interchanges, commercial property which is this kind of pink color in Davie, in Davie, in Davie, in Weston, and in Sunrise and Weston, you will have the purple color which is industrial. Now those industrial are a combination of offices, warehouses and so on.

So you see I-seventy-five has a significant amount of [inaudible] frontage, a significant amount of industrial and commercial properties. Here's our site here. So it certainly isn't an isolated zoning district. It is the land-use pattern along I seventy-five.

Also, it was stated as part of number two that commercial doesn't belong next to residential. It doesn't belong next to one unit per acre residential. I'll also ask you to turn around for a minute, but I'm not going to ask you to look at the town seal, which is a very nice seal, but rather the land-use map that's behind you.

And wherever you see red, that's commercial, wherever you see a light yellow or a lighter shade of yellow, that's residential. We have plenty of commercial next to residential. Now I've heard it said many times in this chamber, and in others, all the residential communities deserve the same protection, whether it's one unit per acre or three units per acre, it's still single-family homes.

We will find plenty of commercial in this city, in this town, and other place in the county, where you have commercial next to one unit per acre, commercial next three unit per acre. The whole key is buffering. And that's why your land development code has regulations for buffering. As Mr. Laystrom stated, usually those regulations require maybe a twenty or twenty-five-foot green area with an eight-foot wall. We're going well beyond that.

Now, because we went well beyond that, it was stated during the earlier presentation that by our own admission, we were incompatible. I would say, as Mr. Laystrom said, and I think somebody, Mr. McLaughlin said earlier, we put

the extra buffering, the extra provisions in because we were asked to do it. That's what we were asked to do to make ourselves fit in better with the community.

So I don't think you should tell someone who's gone beyond the minimum that they did the wrong thing. They went beyond the minimum because we were trying to be a good neighbor.

The line of sight diagrams that were shown during that presentation were right as to the heights, but wrong as to the horizontal distance. I've shopped at the Galleria and if you go over there, you know that the parking garage is right next to the retail building. The parking garage is right next to Macy's it's right next to Dillard's.

We have a huge distance - I can't read the numbers - but as Bill said, the distance between the berm and our building is significant. It's not right next to it. So the horizontal distance was wrong on those drawings. When I was looking at them I was thinking, oh gee, this looks really bad. And then I realized when I thought about the Galleria, the garage is right next to the Dillard's building it's not separated by several hundred feet like it is here. And so line of sight diagrams, have both perspectives, the height and the width, you have to look at both. You can't look at just one.

The next item that was discussed as part of the presentation is a discussion about automobile traffic. And the Town was admonished for not doing its job on review of traffic. Well, I don't think that was right. [inaudible]

We did two traffic studies. This is the traffic study for the DRI It's a hundred and twelve pages in this book and another, in excess of five hundred pages in the second volume of the book. Andre didn't bring the second volume of the book because it's all numbers and nobody knows how to read it except him and traffic engineers, so we didn't bring that one.

And this is the traffic study done for the land-use amendment - almost this entire book is the traffic study for the land-use amendment. Now, both of these studies were reviewed by your staff. You hired two consultants as Bill said, one to review the land-use and one to review the DRI. That's what's normally done.

Now, in many cases land-use amendments don't have a DRI so you don't have one of those studies. Again, we were admonished for studies would be done after-the-fact. Studies are not required after-the-fact. Studies aren't even required at CO.

But when the staff said because of concerns they've heard in the community that there might be some local impacts that weren't caught in those studies, they wanted us to take the extra step, doing an additional study after full occupancy and one five years later, and to mitigate the impacts to come out of those studies. We agreed to do it in order to minimize the concern.

It's not required, we went beyond the requirements and yet it's being told that we didn't do the job. We did triple the job that's normally done. The next discussion was about property values and neighbors.

I also had a chance to speak to the former finance director outside while we were waiting earlier this evening, and it was my understanding, and I think Bill remedied that by offering to guarantee the rates regardless, to guarantee the revenues he showed you regardless. My understanding that the property tax rates that were quoted were only the operating millage. You also have a debt service millage, as most towns do from your bond issues and other things, and that has to be added on top. Of course, any development on this site would pay both operating millage and that service millage.

So it's my understanding that the numbers that were shown in the study we presented were accurate because it contained both elements of your town millage, operating and debt service. And of course that's what we should do.

Number eight is, it was claimed that this is a grant of special privilege to an individual owner. I think the staff report hits the nail on the head. Every property owner has the right to request a land-use amendment, and that's what we did. And we took the extra step that is becoming more common these days, when you're doing a mixed-use development. You also put in new text, new language in the plan to provide extra protections. It's not just the map, it's the text and you have to read them together.

And I think also when you're looking at whether this contrasts with the welfare of the general public, which is the second half of that sentence, the general public is the whole public, the entire populace of the Town of Davie, as you've heard many times this evening. It's not just this section of the Town it's the whole town.

And when you look at the economic benefits, the benefits to the social fabric of the Town, with family entertainment opportunities for families to go somewhere together and spend time, it's a great benefit to the Town of Davie and I think that's been shown.

Those were the issues that we heard, and I think each and every one of them has been answered. We have one more slide and then I'll stop. This is just showing you a summary of some of the differences between residential development that would be allowed on the current land-use designation and what is being proposed.

Of course, with a hundred and fifty-two acres of single-family homes, you would have access to Shotgun Road, I don't know how many accesses, but at least one, probably more than one. We don't have access to Shotgun Road.

Traffic. Our traffic is restricted to a I-seventy-five, not Shotgun Road. If you had homes that used Shotgun Road, obviously you'd have traffic on Shotgun Road.

The revenue. If the, I don't know if these numbers are right or wrong, and I'm not going to argue it. All I can tell you is, we agreed to guarantee what our numbers are.

Jobs. Residential, no jobs, other than construction jobs. Ours, six thousand permanent jobs. By the way, there was discussion about construction. Whether you build this out as residential or as The Commons, you still have to do the same

dredging, the same filling, the same digging, the same trucks in and out to build roads and everything else so I don't think that really changes much one way or the other.

Schools. We have no impact on schools because we're not putting in residential.

Current shopping. People are driving farther away, using our roads now to go to the other shopping centers instead of being close by.

The residential. I did hear one person say, and I was surprised to hear it because every time I've come before you or any other location where I've proposed residential and compared it to the fiscal impacts of commercial, I've always been told that commercial is the better thing financially for a city or a town or a county. It generates more revenue and requires less service. Someone said the opposite tonight and I thought I heard wrong, but I think the numbers speak for themselves.

And then finally, on the property values, again, that's an item covered in this report, in the backup for your agenda and it shows that the property value impact seems to be positive and not negative. Thank you. Bill, you have anything else you wanted to add?

MR. LAYSTROM: I just wanted to add something for the record. Because of the late evening, we had a number of our supporters outside. We had them who were here to say that they couldn't stay late into the evening, a hundred and seventy-seven of them signed. I'd like to just give those to Russell indicating that they were here, and they would've got up and said they supported The Commons.

And with that, I'd be happy to answer any questions. We believe we've covered everything for a transmittal. We understand we have a long, long way to go. We will continue to work with your staff and the residents throughout this process to get a product we can all be proud of at the end of the day.

MAYOR TRUEX: Okay, thank you. Any questions for the applicant? Okay, Mrs. Starkey?

C/M STARKEY: One of the questions, you said you were going to guarantee the net. Is that annual, while you're going through the process that you would guarantee the net, or once the end result is built?

MR. LAYSTROM: Well, the guarantee -

C/M STARKEY: What would the guarantee, if it's -

MR. LAYSTROM: The guarantee that I've proposed was when once we get our CO, we're saying we'll be at 3.5 net. If you're asking me to do something sooner than that, this would be the first time to discuss it.

C/M STARKEY: Well, I guess what I'm saying -

MAYOR TRUEX: He's saying, [inaudible] ordinarily get the tax benefit that year, you would guarantee the amount that you stated, you thought [inaudible].

MR. LAYSTROM: Correct.

C/M STARKEY: Essentially, what I'm saying is, you would not be having a, if this is moving forward to transmittal, the agricultural exemption anymore, and there would be a commercial designation as it went through the process of the land use.

MR. LAYSTROM: We're prepared, at the adoption time, if that's the question that you're asking me, to lift the agricultural exemption, we would do that.

C/M STARKEY: Okay.

MR. LAYSTROM: Which would be next year's taxes if it [inaudible].

C/M STARKEY: So, in essence, we would receive a benefit of the tax - if it was transmitted.

MR. LAYSTROM: Right. What would happen, there is that the value of the property would jump up from right now it has an agricultural exemption which is virtually no taxes. It would jump up to the land value of the project.

C/M STARKEY: Another question is -

MR. LAYSTROM: Which I believe is about twenty million.

C/M STARKEY: - in the event you are unable to receive the approvals as we move this through transmittal from the agencies, is there a certain time that you think would be reasonable, that there would be a reversion clause, and it would revert back to no vesting of rights, In a few years, if you weren't able to achieve the - it would revert back to its existing land use of agriculture.

MR. LAYSTROM: In other words, in a sense, I have a -

C/M STARKEY: Time line.

MR. LAYSTROM: - kind of like the way site plans are. A site plan, if you get approval, it lasts for certain amount of time, then it expires.

C/M STARKEY: Right.

MR. LAYSTROM: I will work with your staff to come up with two times, one for us to, quote, get through the approval process and get the building permit, and one to open. I always worry about the one to open because that's subject to the Town's building department's got a lot, will have a lot to look at on this. But I will look at those and bring some suggestions back to you at the adoption hearing. I'm just thinking out loud here.

MAYOR TRUEX: Any other questions? Okay, if there's no other questions, how about discussion? Go ahead Mr. Caletka.

C/M CALETKA: [inaudible] some questions.

MAYOR TRUEX: Okay.

C/M CALETKA: About the sound wall. In the numbers that were presented by you, you mentioned the total revenue for having a hundred and fifty-two homes, and I think it was somewhere around a hundred and fifty million dollars would be the tax base. But at 1.2 million dollars, times one hundred and fifty-two, I actually have 182.4 million.

MR. LAYSTROM: I'll take a look at it. Is Chris still here? He did the [inaudible] for us. I believe, what I'm being told is, I believe it's because it's, the property appraiser typically does eighty-five percent of the value, even if it is a 1.2 million dollar home.

MAYOR TRUEX: There's Mr. Wallace. Come on up, there's question for you.

MR. WALLACE: Good evening. Chris Wallace, [inaudible] 4801 South University Drive, Suite 132, Davie.

MAYOR TRUEX: What was the question? He didn't hear it, I don't think.

C/M CALETKA: If the homes, if it were a hundred and fifty-two single-family, one home per acre home at 1.2 million dollars each, the math is that a hundred and fifty-two times 1.2 million is 182.4 million.

MR. WALLACE: Well, as Mr. Laystrom said, we usually use eighty-five percent of the sales price as an estimate of the assessed value. And from that we usually also try to take an estimate of those who would have a homestead exemption and also subtract the homestead exemption from the total assessed value to come to a taxable value upon which we would apply both your millage rates.

C/M CALETKA: Okay, thank you. There was an issue about there being too much noise and that at five a.m. construction would begin.

MR. LAYSTROM: We've limited the construction hours to seven to seven, I believe. I'll pull my deed restriction. Give me a second I'll pull that. I just want to make sure I get it accurately. And that's within the development agreement again, that will be part of this property.

I apologize. Construction hours, seven a.m. to six p.m. In the event that weekend construction is required, it will not commenced before nine a.m. or continue past five p.m.

C/M CALETKA: Okay, thank you. I wanted to reiterate something. This is a printout of what happens for a land-use change. It goes to the Department of Community Affairs and the Regional Planning Council, FDOT. So even if this was transmitted this evening, there's a number of agencies that could turn it down.

MR. LAYSTROM: Including this Town Council when it came back for adoption, yes.

C/M CALETKA: So, it's not a land [inaudible], I'm not an attorney, I'm asking - this is not a land-use [inaudible], it requires a second reading. Is that why it comes back in nine months?

MR. LAYSTROM: Yes, there's a second public hearing.

C/M CALETKA: And if it was turned down at FDOT, what would happen, would it just be completely kicked out of the system? Or [inaudible]

MR. LAYSTROM: Not necessarily. It could still up and up back at you.

C/M CALETKA: I see.

MR. LAYSTROM: With their recommendation for denial.

C/M CALETKA: I see. I went to both of the pro Commons on anti Commons web sites, and I spent a lot of time on them [inaudible] yesterday, and it looks like if everything was proceeding forward, that the opening date would be 2011. So that means that even if this land was converted to commercial, right now you're paying what, ten thousand dollars a year for taxes on this?

MR. LAYSTROM: Correct. It's almost -

C/M CALETKA: What would the amount be if it goes to commercial?

MR. LAYSTROM: Well, if it just went to commercial, the property tax value on twenty million, Chris? Twenty million would be my guess at the property value of that site. It might be twenty-two.

MR. WALLACE: I'm sorry. Could you repeat the question please?

C/M CALETKA: If this was - C/M Starkey had mentioned that if this was transmitted on to be reassessed by the other governmental agencies that the applicant agreed that they would be willing to change their, get rid of their agricultural exemption and switch to commercial. So at that time, how much in taxes would that bring in during that time?

MR. WALLACE: I guess, did you have an estimate of the - twenty million? I would say probably about one million dollars. The town's tax rate is a little under five. Plus they have a voted debt service of about .9, so you're pushing six mills.

MAYOR TRUEX: It's a little under.

MR. WALLACE: I'm just rounding.

C/M PAUL: Could I just interject something there? You're presupposing that they're going to - they can't do a commercial unless it's rezoned. So you're not going to get the tax money based on commercial. You're going to get it based on the present zoning without the agricultural classification.

MAYOR TRUEX: Would you guarantee that amount too?

MR. LAYSTROM: We'll guarantee that amount also. You have to understand, all we have to do to lift the agricultural exemption on the property, and I believe that the property will be valued at that, at one unit per acre.

Absolutely, think about it, a hundred and fifty-two acres doesn't have to be very valuable for those lots that are going out there. It will easily be twenty million.

MAYOR TRUEX: So, what's the amount again, you would guarantee? I want to make sure.

MR. LAYSTROM: The tax on twenty million dollars. And if we need to fine-tune that to come up with a more exact number, we'll get some comps out there and actually multiply it by a hundred and fifty-two, eighty-five percent of that, and have that.

MAYOR TRUEX: It won't be less than that amount.

MR. LAYSTROM: I won't be less than twenty. That's correct.

C/M CALETKA: Also, along with that, the real benefits, it's my opinion that you have some numbers, and they sound good, the tax appraiser, whatever she wants to be called, she has numbers that make her side sound good. And I think it's difficult to ascertain, it's probably somewhere in the median, but you said you were guaranteeing 3.5 million per year?

MR. LAYSTROM: Correct.

C/M CALETKA: Starting in 2011?

MR. LAYSTROM: Correct. That's our anticipated opening date, yes.

C/M CALETKA: Okay, and, if you look at a ten-year span, you have approximately I guess, one million dollars coming in due to the lifting of the agricultural exemption for the first four years, and then you have the following six years where you would be bringing in 3.522 million.

Would you be willing, if this is approved in the end, to spread out the payments evenly? A rough estimate would be over the 10 year period, twenty-one to twenty-five million, somewhere in there, divided equally into payments where you'd have basically, tax credits in your first, second, third and fourth year where you're over paying your taxes. And then -

MAYOR TRUEX: [inaudible] legal.

C/M CALETKA: - from that point on, in the year five, where it starts to generate genuine revenue, you have the tax credits, but you're still bringing in that 2.1 million so the town can start benefitting from the tax break early on?

MAYOR TRUEX: Is that legal?

MR. LAYSTROM: What I would do is this. I would certainly agree to it, because we believe that that's just a fair revenue alternative for us. It's merely - I was just checking - it's a cost value of the money early versus late. I will, between now and adoption, confirm whether or not we can legally do that.

I will tell you that we have guaranteed the minimum in Plantation in the past. So, whether I can make a blended spread and then take, in a sense, a credit in future years, I will check, I will research that between now and the time of adoption. But certainly, if we can do it we would.

C/M CALETKA: Also - I'm not saying that Turnberry does this - but I know, in many, for many large corporations whenever they come and bring a large development to the town, you're talking about four hundred million dollar or more taxable base, and I know that sometimes - I'm not saying Turnberry does this - but sometimes, the owners of the property automatically challenge whatever their newly assessed rate is.

MR. LAYSTROM: Our office does many of those.

C/M CALETKA: Okay. And from what I understand, Mrs. Parrish does a very good job at assessing, but can we get a guarantee, because you're showing us these numbers that go off into the future, that you will not challenge the assessed value to try to get it dropped below that four hundred, unless it's outrageous, say over ten percent growth?

MR. LAYSTROM: That would be fine. I actually did that on the Altman project in Plantation on four forty-one and Broward. What you're basically asking us to do is not appeal below the levels of tax/increase over the next number of years and we agreed to do that.

We can, if all of a sudden it goes up thirty-seven percent, we would have the right to appeal it back to that, whatever the base rate we agreed to on that one. I think that's fine.

C/M CALETKA: Okay, another question, does the value of the berm figure into the taxable base? We're talking about a ten million dollar fancy wall.

MR. LAYSTROM: No, it does not. It's in effect, just open land.

C/M CALETKA: Because a lot of the residents came and I'll go ahead and disclose now, [inaudible] tons of residents, both for and against, including some personal friends of mine that are against it in Highland Ranches, but, when I was speaking with them, their main objection was, they didn't want to look at a mall.

So I spoke with the applicant and they said, "well, that's why we're building this berm." And so I went back to the homeowners and they said, "We don't want to look at a berm", that they want, they bought that house expecting to see single-family homes. And so I was going to bounce an idea off of you.

It's basically the argument that these people bought their home knowing what was going to go in, they were going to look at single-family homes and they were happy about it. It's a different situation, if you build your home on a golf course than if you build your home and then a golf course comes.

So one idea I wanted to bounce off of the applicant is, can we have single-family homes going across the north side. We're talking about one-acre, one home per

acre sites, just like the adjacent properties already have, going across the northern end of the property, flanking down the east side of the property, so that way, those residents would be looking at thirty-foot tall two-story, one home per acre, 1.2 million dollar homes.

MR. LAYSTROM: And then the water on the other side?

C/M CALETKA: The water on the other side, lakefront property. Because instead of looking at a wall or instead of looking at a mall they're looking at exactly what they asked for, which is a single-family home.

MR. LAYSTROM: Well, we certainly can design something for everybody to take a look at. I'd want to plug that into my lighting study, my sound study, make sure that I can provide the same level of protection.

We certainly can try to put those things together, come up with a conceptual layout of the lots as well as, we have to show you how we would do the homes, we'd have to do the gap, the gap between the homes, because obviously they'd be set back between themselves with, we'd have to provide landscaping and other appropriate buffers and still buffer those homes as well.

But we certainly can look at it and try to come back to you with some alternatives so all the Council could take a look at that alternative as a possible alternate buffer.

C/M CALETKA: Okay.

MR. LAYSTROM: Certainly getting rid of, in a sense, getting rid of the berm, if that's something that they don't like, because now it looks like we're sealing ourselves off. I always said we're proud of our project, we believe that people who would move into those homes would be proud to be next to our project.

C/M CALETKA: So along with that -

MR. LAYSTROM: But again, I think -

C/M CALETKA: - getting rid of the berm, I haven't heard a single person in here say that they wanted this berm but the people that would buy those new homes would know exactly what was going in there on the other side of the lake, of course.

And that save the applicant two million dollars by getting rid of the berm. So with that, you're going to have unexpected expenses without a shadow of a doubt it's going to come up. You always plan for the best and you still have some surprises. Would the applicant be willing to split that, which would be about five million dollars, and give that to the town of Davie un-earmarked?

So that way - not all at once because I know you need to generate revenue - but like a million dollars per year in the sixth, seventh, eighth, ninth and tenth year.

MR. LAYSTROM: Obviously, in this particular instance, I have to have the affirmative support of the entire four members of Council, because [inaudible] Mrs. Paul is. Certainly the

cost side of it, as far as the commitment, if we're getting rid of the obligation that's an easy decision for us.

As I said, I'm just, I'm more looking at that residential component just wanting to make sure I provide the right information, that it would be a comparable buffer, and at the end of the day it might not be. But we certainly, from a cost standpoint, we have no problem providing the, if we're saving the money, providing something to you. I mean, the town, not to you individually.

C/M CALETKA: The applicants is coming at a time of transition for the leadership. Essentially, the Town of Davie is a business with a board of directors. If this comes back in nine months then we are guaranteed to have a different Council member in District four and District three is also having an election.

So the applicant has to understand that even if it gets transmitted tonight, that it might be shot down next time it comes to Davie. Or it can be shot down at the DCA, or the Regional Planning Council. I think even the Wildlife Department is on here. If it is shot down in the future, if it gets transmitted tonight and is shot down in the future, is the applicant willing to give the tax credits that it will have to give upon approval of transmittal? Are they willing to risk giving that as a gift to the town if they get shot down at a different department?

MR. LAYSTROM: Up to the point where we get shot down? In other words, if I'm moving foreword, what you're saying is you're going to lift the exemption or whatever -

MAYOR TRUEX: Yes, that's money you've already spent, you don't want, you wouldn't try to get that back.

MR. LAYSTROM: Right. We'd already spent, and the answer would be no.

C/M CALETKA: So even if it gets shot down at the DC and they recommend denial, or FDOT, you're willing, if it took, let's say six months, until start tonight, be willing to donate the 2.1 or that spread out tax credit that you, you're willing to give that?

MR. LAYSTROM: Where's Ken? If I could have just a minute [inaudible]. Councilmember, two quick questions. The first one would be that that presumes that during the course of the approval process the Town of Davie would not, would, I'm assuming at that point, we would have at least the transmittal support of the Town, that you would not, if that changed, if the Town changed its mind in between, then we would not have that obligation if the Town were to, for instance, not support us at FDOT or wherever.

Now I'm not asking you to go there with flags and, but just if you suddenly send a letter saying we don't support this project anymore. The answer would be, we're willing to do that. Going through the timetable just so you would understand, we'll be back here for the adoption, should be before the end of the year.

If not, that's our risk that we would bump into the following year, because this year taxes already set as of January so they would hit starting in your next year's mid budget, and we would be agreeable to that.

C/M CALETKA: So, basically as long as the town doesn't transmit, and then [inaudible] that by passing a resolution and tell them to vote it down.

MR. LAYSTROM: I would -

C/M CALETKA: That's just in layman's terms.

MR. LAYSTROM: Yes.

C/M CALETKA: Okay.

MR. LAYSTROM: That's correct.

C/M CALETKA: I also have, the staff has requested thirteen items. You've probably seen this. I asked for the list today I just wanted to go by one by one and make sure that the applicant - It said that there's something about a shuttle service that will cost a hundred and fifty thousand dollars a year. You're willing to do that?

MR. LAYSTROM: Correct.

MAYOR TRUEX: Adjusted for CPI, right? Some inflation factor.

MR. LAYSTROM: That would be fine.

C/M CALETKA: It says the applicant shall hold job fairs within the Town, and -

MR. LAYSTROM: We're agreeable.

C/M CALETKA: Okay. Are you, just to make it short, is it all thirteen of these you're agreeing to?

MR. LAYSTROM: We've agreed to them. The only two that we've said there would be discussion as part of the site plan approval processes is if our site gets changed as far as the size would go through the additional processes, the fire and police obligations change accordingly. They use a rate schedule based on the number of square foot equals the number of calls equals the number of officers that you need.

C/M CALETKA: So on the eleventh, item eleven was, the Fire Department has requested that the total [inaudible] personnel of various classifications are necessary to provide adequate emergency equipment based on -

MR. LAYSTROM: And what I would read is that I will provide that amount of fire protection service equipment the Fire Chief says he needs for our project.

C/M CALETKA: And police as well?

MR. LAYSTROM: And police as well.

C/M CALETKA: The Police Chief? Okay, thank you. And the last thing was, how many, if single-family homes were built on the north and east sides, about how many homes estimated, and I don't need an exact number if you think -

MR. LAYSTROM: It would be very few, those lots would be wide. Ten, twelve -

C/M CALETKA: But sufficient that it would block any neighbor [inaudible].

MR. LAYSTROM: That's why, if we were to go forward as that being an alternative that I have to report back to you on, I'll do a layout so that we can actually look at the lots and the building, and the homes that would go on the lots.

C/M CALETKA: Okay.

MR. LAYSTROM: I can't commit, but I can -

C/M CALETKA: The upper estimate would be thirty, the lower estimate would be twenty, so we're still talking about a pretty good tax base. Do you think you can sell these homes?

MR. LAYSTROM: Absolutely.

C/M CALETKA: Okay, and probably for a profit?

MR. LAYSTROM: The only issue for me is the actual cost of the, when I do the sound study, I want to make sure that we provide the same type of buffering as we would if we had the berm. I think that will cost a great deal. So I think we'll be throwing the lots, quite frankly, the lots in for free, but there should, we would hope that there would be some profit too.

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Bonnie Stafiej, Special Projects Director, 797-1163

PREPARED BY: Bonnie Stafiej, Special Projects Director, 797-1163

SUBJECT: Parade Permit

AFFECTED DISTRICT: All

TITLE OF AGENDA ITEM: A CHILD IS MISSING, INC. (April 29, 2007)

REPORT IN BRIEF: A Child is Missing is a not for profit organization in possession of an active 501C-3. They are planning a fund raising 5K Run. The run will be held at Broward County's Vista View Park on April 29, 2007. The event will attract an estimated 200 runners. A Child is Missing is requesting the use of Boy Scout Road at Vista View Park to be closed from 7:00a.m to 9:00 a.m from the entrance of Vista View Park North one mile. The runners will turn South and run back one mile into the park.

PREVIOUS ACTIONS: A Child is Missing has not requested a permit to date. However, we have worked with the group's organizer Randy Rodgers in the past with other fundraisers. He is a professional organized individual who has worked in the community for many years.

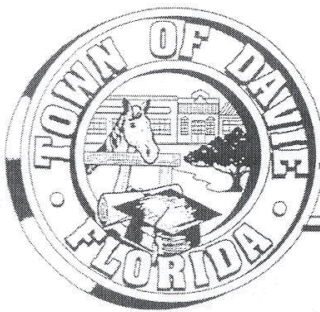
CONCURRENCES: N/A

FISCAL IMPACT: No

Has request been budgeted? n/a

Additional Comments: It is understood by the organizers that detailed Davie Police Officers will be required and paid for by the organization. It is further understood that a paramedic detail team will be in place and paid for by the organization. The organizers will also be required to present a certificate of insurance (general liability) of no less than one million dollars (\$1,000,000), naming the Town of Davie as additionally insured.

RECOMMENDATION(S): Motion to Approve Parade Permit
Attachment(s): 1) Parade Application, 2) 5K Run Map



Administration 797-1030
Budget & Finance 797-1050
Development Services 797-1111
Engineering 797-1113
Fire Department 797-1211
Human Resources 797-1010

Parks & Recreation 797-1145
Police Department 693-8200
Public Works 797-1240
Town Clerk's Office 797-1023
Utilities 433-4000

Town of Davie

6591 Orange Drive Davie, Florida 33314-3399

(954) 797-1000

PARADE PERMIT APPLICATION

Date 3-7-07

Organization A Child is Missing, Inc.

Address 500 SE 17TH St. Causeway Fort Lauderdale, FL 33316

Name of Representative(s) Randy Rogers Phone Number (954) 608-0096

Address 4820 NE 25TH Ave Ft. Lauderdale, FL 33308

Number of Parade Entrants 200 Number of Spectators Expected 50

Date of Parade 4/29/07 Hours of Parade 7-9 AM to 9 AM

Route of Parade Begins inside vista view Park - exits park & goes North on Bay Scott Road approximately 1/4 mile, turns South and enters back into park.

Applicant's Signature Randy Rogers

Date of Council Meeting _____

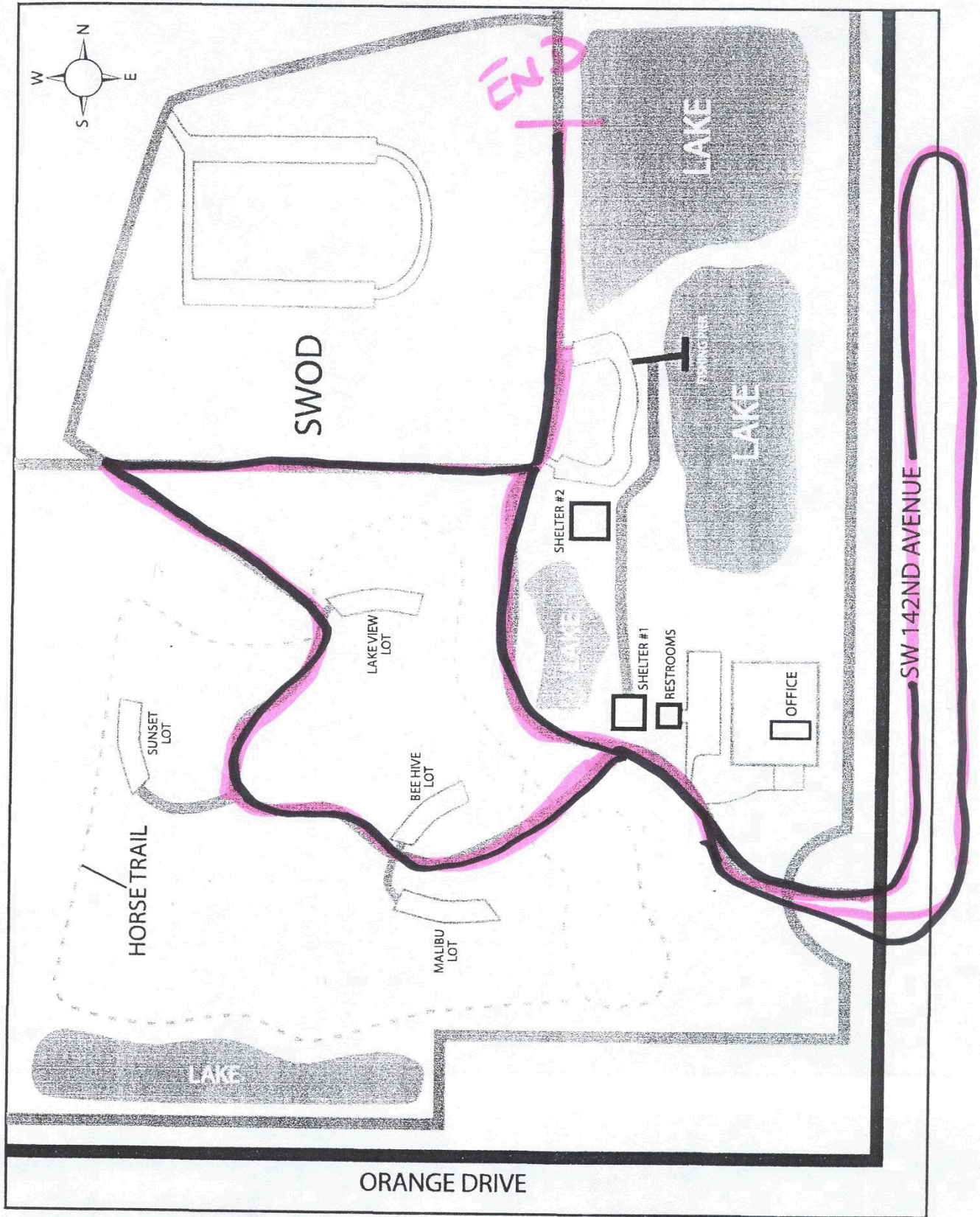
Approved _____

Denied _____

**This application will be reviewed by a staff committee and if warranted, there may be a possibility of a service fee due to the size/extent of the event.

NOTE: Per Section 21-4 of the Town's Code, the Town Council shall be sole authority for the approval of permits to conduct parades on or about the Town's public rights-of-way. The civic organization making application to conduct such parade shall have the sole responsibility and prerogative to determine who the participants and or participating organizations shall be. Permits shall be granted subject to federal, State and Town of Davie laws.

THE TOWN OF DAVIE REQUIRES A CERTIFICATE OF INSURANCE OF NO LESS THAN \$1,000,000 NAMING THE TOWN OF DAVIE AS AN ADDITIONAL INSURED



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TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Carol Menke, Acting Budget & Finance Director/797-1050

PREPARED BY: Carol Menke, Acting Budget & Finance Director

SUBJECT: Change in Trustee from AMVESCAP National Trust Company to Merrill Lynch Bank & Trust Co., FSB

AFFECTED DISTRICT: n/a

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPOINTING MERRILL LYNCH BANK & TRUST CO., FSB AS TRUSTEE FOR THE TOWN OF DAVIE DEFERRED COMPENSATION PLAN; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The Town of Davie provides a voluntary deferred compensation plan for its employees. Related to AMVESCAP Retirement being acquired by Merrill Lynch it is necessary to officially change the Plan Trustee. The attached document will authorize Merrill Lynch Bank & Trust Co., FSB to act as the new Trustee for the Town of Davie Deferred Compensation Plan.

PREVIOUS ACTIONS: Town Council previously approved resolutions R-98-389 on December 16, 1998 and resolution R-2004-048 on March 3, 2004 related to this plan.

CONCURRENCES: N/A

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s):

Resolution

Appointment of Merrill Lynch agreement

Specimen Signature Document

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPOINTING MERRILL LYNCH BANK & TRUST CO., FSB AS TRUSTEE FOR THE TOWN OF DAVIE DEFERRED COMPENSATION PLAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town provides a voluntary Deferred Compensation plan, as provided for in the Internal Revenue Code §457, for all its employees; and

WHEREAS, AMVESCAP National Retirement Inc., was recently acquired by Merrill Lynch; and

WHEREAS, the current trustee, AMVESCAP National Trust Company has notified the Town that they are resigning as the trustee due to the sale of AMVESCAP Retirement Inc., and

WHEREAS, it is therefore necessary to appoint Merrill Lynch as the new Trustee for the Town of Davie Deferred Compensation Plan; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1: That the current trustee of the Plan, AMVESCAP National Trust Company, is hereby removed as Trustee and that Merrill Lynch Bank & Trust Co., FSB, be appointed as Trustee of the Plan as per the attached Exhibit "A", Appointment of Merrill Lynch Bank & Trust Co., FSB, as Trustee.

Section 2: That the proper officers of the Town of Davie are, and each of them is, hereby authorized and directed, in the name of and on behalf of the Town, to execute and deliver the attached Appointment of Merrill Lynch Bank & Trust Co., FSB, as Trustee.

Section 3: That the Town hereby authorizes staff to execute the documents, and to designate other individuals to represent the Town in matters pertaining to the Trust, which they deem necessary or appropriate to implement the foregoing resolution or such other matters pertaining to the Trust.

Section 4: This resolution shall take effect immediately upon execution.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

Attest:

Town Clerk

APPROVED THIS _____ DAY OF _____, 2007

EXHIBIT “A”
Appointment of Merrill Lynch Bank & Trust Co., FSB, as Trustee

Town of Davie (the “Employer”) sponsors the Town of Davie, Florida Deferred Compensation Plan (the “Plan”). AMVESCAP National Trust Company (“ANTC”) currently serves as the trustee under an agreement with the Employer dated March 8, 2004 (the “Trust Agreement”).

The Employer hereby removes ANTC as trustee of the Plan and appoints Merrill Lynch Bank & Trust Co., FSB (“MLBT”), as successor trustee to the Plan effective May 1, 2007 (the “Effective Date”). The Employer authorized MLBT to rely on the current investment instructions currently on file with ANTC, and in particular, the current Funding Policy. The Employer agrees to relieve ANTC of all duties as the Plan’s trustee for periods beginning after the Effective Date. The Employer agrees that MLBT shall have no responsibility or liability with regard to the assets of the Plan prior to the Effective Date.

As of the Effective Date, the Employer hereby authorizes MLBT to establish a securities account with its affiliate, GPC Securities, Inc. (“GPC”), for holding the Plan’s securities. GPC will maintain the account during a transition period while the Plan’s recordkeeper automates its processing activity with Merrill Lynch, Pierce, Fenner & Smith Incorporated (“Merrill Lynch”). Following this reasonable transition period, MLBT will establish a Cash Management Account® for Retirement Plans (“RCMA account”) with its affiliate, Merrill Lynch, for holding the Plan’s securities. All such securities may be held in Merrill Lynch’s name or in the name of its designated nominee. A copy of the Securities Account Terms and Conditions has been provided to the Employer and the Employer acknowledges its agreement with the contents of this document.

In connection with the opening of the RCMA account, or as soon thereafter as is reasonably practicable, all Plan related assets that are to be invested in interest bearing deposits and/or money market type assets, shall be invested, except as otherwise directed by the Administrator, in the registered investment company, collective trust or federally insured money market fund offered in conjunction with the RCMA as a sweep vehicle. A copy of the fund prospectus or other offering documents for such fund shall be provided to the applicable Plan investment fiduciary at least 30 days prior to the investment of any Plan related assets in such fund.

ANTC agrees to transfer all Plan assets to MLBT as successor trustee on the Effective Date.

MLBT acknowledges its appointment as successor trustee of the Plan and agrees to be bound to the terms and conditions of the existing Trust Agreement. MLBT agrees to accept the assets of the Plan’s trust and become the Plan’s trustee on the Effective Date.

By executing below, each of the parties acknowledges and agrees to the contents of this Appointment.

| Employer | AMVESCAP National Trust Company | Merrill Lynch Bank & Trust Co., FSB |
|-----------------|--|--|
| <hr/> Signature | <hr/> Signature | <hr/> Signature |
| <hr/> Name | <hr/> Name | <hr/> Name |
| <hr/> Title | <hr/> Title | <hr/> Title |
| <hr/> Date | <hr/> Date | <hr/> Date |

EXHIBIT "B"
Specimen Signature Document

Named Investment Fiduciary(ies)

The Employer represents that the individual(s) signing below are the Named Investment Fiduciary(ies) or have been authorized to act on behalf of an entity (such as the Investment Committee) serving as the Named Investment Fiduciary, and are responsible for directing the investment and management of Plan assets, including but not limited to Plan-level investment changes.

| | Signatory Name (please print or type) | Title | Signature Specimen |
|----|---------------------------------------|---------------------------|--------------------|
| 1. | <u>Gary Shimun</u> | <u>Town Administrator</u> | _____ |
| 2. | <u>Kenneth Cohen</u> | <u>Asst. Town Admin.</u> | _____ |
| 3. | _____ | _____ | _____ |

Named Administrative Fiduciary(ies)

The Employer represents that the individual(s) signing below are the Named Administrative Fiduciary(ies) or have been authorized to act on behalf of an entity serving as the Named Administrative Fiduciary (such as a Plan administrative committee) and are responsible for the discretionary authority and control over the administration and operation of the Plan.

| | Signatory Name (please print or type) | Title | Signature Specimen |
|----|---------------------------------------|---------------------------|--------------------|
| 1. | <u>Gary Shimun</u> | <u>Town Administrator</u> | _____ |
| 2. | <u>Kenneth Cohen</u> | <u>Asst. Town Admin.</u> | _____ |
| 3. | _____ | _____ | _____ |

Execution

The undersigned, on behalf of the Employer, hereby certifies that the individual(s) named above have been appointed as Named Investment Fiduciary(ies) and Named Administrative Fiduciary(ies) or are authorized to act on behalf of the entity serving as Named Investment Fiduciary or Named Administrative Fiduciary. The Employer understands and intends that the purpose of providing the designations and specimen signatures in this document is to provide a basis upon which Merrill Lynch entities will rely in taking directions from the appropriate Plan fiduciary.

Name of Employer: **TOWN OF DAVIE**

By (Authorized Signature): _____

Print Name: **Tom Truex** Print Title: **Mayor**

Date: _____

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Gary Shimun, Town Administrator / 797-1030

PREPARED BY: Phillip R. Holste, Program Manager / 797-1041

SUBJECT: Resolution

AFFECTED DISTRICT: 4

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE FLORIDA COMMUNITIES TRUST GRANT AWARD CALCULATION STATEMENT FOR THE DAVIE FARM PARK PROJECT.

REPORT IN BRIEF: This resolution is presented in conjunction with the resolution to execute a Declaration of Restrictive Covenants for the Davie Farm Park pursuant to the Town's grant contract with the Florida Communities Trust (FCT). The Town has completed the initial planning required by the grant contract and can now seek reimbursement from FCT for its share of the eligible acquisition expenses.

This resolution approves the FCT Grant Award Calculation Statement included as Attachment I, providing for a reimbursement of \$6,215,247.50 to the Town. For Council's general information, Attachment II includes a spreadsheet detailing all of the expenses pertaining to acquisition of the Davie Farm Park site and how those costs were shared by FCT, Broward County and the Town of Davie.

PREVIOUS ACTIONS: With R-2006-189, the Town Council authorized the execution of the grant contract with FCT for the Davie Farm Park. With R-2006-022, the Town Council endorsed the acquisition of the Ryan Parcels, otherwise known as the Davie Farm Park.

CONCURRENCES: None

FISCAL IMPACT: Yes

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments: \$6,215,247.50 in revenue to reimburse the Open Space Bond account and replenish the other District's bond allocations

RECOMMENDATION(S): Motion to approve.

Attachment(s): Resolution; Attachment I – Grant Award Calculation Statement; Attachment II – Davie Farm Park Summary of Acquisition Costs

RESOLUTION R-2007-_____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE FLORIDA COMMUNITIES TRUST GRANT AWARD CALCULATION STATEMENT FOR THE DAVIE FARM PARK PROJECT.

WHEREAS, through R-2006-189, the Town of Davie entered into a grant contract with the Florida Communities Trust (FCT) for funding towards the acquisition of the Davie Farm Park project site; and

WHEREAS, the Town of Davie wishes to accept reimbursement grant funding from the FCT for the Davie Farm Park equal to 50% of the eligible acquisition expenses as detailed in the FCT Grant Award Calculation Statement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council hereby approves the Grant Award Calculation Statement included as Attachment I, authorizes the Mayor to affix his signature to such Statement, and authorizes the Statement's transmission to the FCT by the Town of Davie.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

ATTACHMENT I

| | |
|------------------------|-----------------|
| Local Government Name: | TOWN OF DAVIE |
| Project Name: | Davie Farm Park |
| FCT Project #: | 05-048-FF5 |
| Date: | 6-Mar-07 |

PURCHASER'S RECONCILIATION OF TOTAL PROJECT COSTS

TOTAL PROJECT COSTS

| | | | |
|----------------------------|-----------|----------------------|------------------|
| Land Purchase Price | | \$ 12,400,000.00 (1) | |
| Acquisition Expenses (2) | | | |
| Survey | \$ 65.00 | | |
| Appraisal Review | 2,000.00 | | |
| Appraisals | 7,800.00 | | |
| Title Insurance | 24,630.00 | | |
| Total Acquisition Expenses | | \$ 34,495.00 | |
| Total Project Costs | | | \$ 12,434,495.00 |

COMPUTATION OF GRANT AWARD AND LOCAL MATCH AMOUNT

| | | | |
|-------------------------------|-----------------|---------------------|------------------|
| FCT Award Computation (50%) | | | |
| Share of Purchase Price | \$ 6,200,000.00 | | |
| Share of Acquisition Expenses | 17,247.50 | | |
| Total Project Costs | | \$ 6,217,247.50 (3) | |
| Town Local Match Computation | | | |
| Share of Purchase Price | \$ 6,200,000.00 | | |
| Share of Acquisition Expenses | 17,247.50 | | |
| Total Share of Project Costs | | \$ 6,217,247.50 | |
| Total Project Costs | | | \$ 12,434,495.00 |

COMPUTATION OF PREPAIDS, REIMBURSEMENTS, ADDITIONAL COSTS AND AMOUNTS DUE AT CLOSING

FLORIDA COMMUNITIES TRUST

| | | | |
|------------------------------|-----------------|-----------------|--|
| FCT Prepaid Project Costs | | | |
| Appraisal Review | \$2,000.00 | | |
| Total Prepaid Costs | \$2,000.00 | | |
| FCT Amount Due at Closing | | | |
| Share of Total Project Costs | \$ 6,217,247.50 | | |
| Less Total Prepaid Costs | \$2,000.00 | | |
| Total Amount Due From FCT | | \$ 6,215,247.50 | |

| | |
|------------------------|-----------------|
| Local Government Name: | TOWN OF DAVIE |
| Project Name: | Davie Farm Park |
| FCT Project #: | 05-048-FF5 |
| Date: | 6-Mar-07 |

Page 2

TOWN OF DAVIE

Town Prepaid Project Costs

| | | |
|---------------------|----|---------------|
| Purchase Price | \$ | 12,400,000.00 |
| Survey | | 65.00 |
| Appraisals | | 7,800.00 |
| Title Insurance | | 24,630.00 |
| Total Prepaid Costs | \$ | 12,432,495.00 |

Town Amount Due at Closing

| | | |
|-------------------------------------|----|---------------|
| Total Prepaid Costs | \$ | 12,432,495.00 |
| Less Share of Total Project Costs | \$ | 6,217,247.50 |
| Total Amount Due To Town at Closing | | 6,215,247.50 |

Town Additional Costs

| | | |
|------------------------|----|------------|
| Approx. Recording Fee | \$ | 129.00 |
| Total Additional Costs | \$ | 129.00 (4) |

Notes:

- (1) Pursuant to memorandum from Caroline Sutton to Kristen Coons dated February 22, 2007, the Maximum Approved Purchase Price is \$14,700,000. FCT participates at either the purchase price or the MAPP, whichever is less. Here, the purchase price is less; therefore, FCT is participating at the purchase price.
- (2) The Seller paid the environmental site assessment cost.
- (3) Pursuant to the terms of the Grant Contract and addendum, the amount of the grant shall not exceed the lesser of \$6,217,247.50 or 50% of the total project costs. All amounts already prepaid by the Town were factored into the grant amount.
- (4) Payable to Clerk of Court, Broward County, at time of reimbursement.

The foregoing reconciliation of Purchasers' costs is hereby approved by the undersigned.

TOWN OF DAVIE

By: _____

Its: _____

Date: _____

FLORIDA COMMUNITIES TRUST

By: _____

Janice Browning, Division Director
Housing and Community Development

Date: _____

ATTACHMENT II

DAVIE FARM PARK SUMMARY OF ACQUISITION COSTS

| ITEM | Total Expense | FCT Share | Broward Co. Share | Davie Open Space Bond Share |
|-------------------------------|-------------------------|-------------------------------|-------------------------------|-----------------------------------|
| Purchase Price | \$ 12,400,000.00 | 6,200,000.00 | 3,500,000.00 | 2,700,000.00 |
| Settlement-Closing Fee | \$ 500.00 | 0.00 | 0.00 | 500.00 |
| Title Insurance | \$ 24,630.00 | 12,315.00 | 0.00 | 12,315.00 |
| Recording Fees | \$ 61.00 | 0.00 | 0.00 | 61.00 |
| Doc Stamp Taxes | \$ - | 0.00 | 0.00 | 0.00 |
| Appraisals (2) | \$ 7,800.00 | 3,900.00 | 0.00 | 3,900.00 |
| Appraisal Review | \$ 2,000.00 | 1,000.00 | 0.00 | 1,000.00 |
| Survey Copies | \$ 195.00 | 32.50 | 0.00 | 162.50 |
| Town Attorney Fees | \$ 4,960.00 | 0.00 | 0.00 | 4,960.00 |
| TPL's Interest Carrying Costs | \$ 200,000.00 | 0.00 | 0.00 | 200,000.00 |
| TPL's Title Insurance | \$ 31,275.00 | 0.00 | 0.00 | 31,275.00 |
| TPL's Documentary Stamps | \$ 86,800.70 | 0.00 | 0.00 | 86,800.70 |
| Management Plan Consultant | \$ 12,000 | 0.00 | 0.00 | 12,000.00 |
| TOTAL PROJECT EXPENSE | \$ 12,770,221.70 | \$ 6,217,247.50 49% | \$ 3,500,000.00 27% | \$ 3,052,974.20 24% |

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TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Gary Shimun, Town Administrator / 797-1030

PREPARED BY: Phillip R. Holste, Program Manager / 797-1041

SUBJECT: Resolution

AFFECTED DISTRICT: 4

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF RESTRICTIVE COVENANTS WITH THE FLORIDA COMMUNITIES TRUST FOR THE DAVIE FARM PARK PROJECT SITE.

REPORT IN BRIEF: In July 2006, the Town of Davie executed a grant contract with the Florida Communities Trust (FCT) for the Davie Farm Park project. The Town has fulfilled the initial planning requirements of the grant contract and must now execute a Declaration of Restrictive Covenants for the project site in order to receive reimbursement from FCT for its share of the eligible acquisition expenses.

This resolution authorizes the Mayor to execute the Declaration of Restrictive Covenants included as Attachment I. This Declaration of Restrictive Covenants reiterates the commitments made by the Town in the grant contract for the development and maintenance of the Davie Farm Park and places restrictions on the site. This Declaration of Restrictive Covenants will be filed in the Broward County Records and will run with the land in perpetuity, unless modified by both FCT and the Town.

PREVIOUS ACTIONS: With R-2006-189, the Town Council authorized the execution of the grant contract with FCT for the Davie Farm Park. With R-2006-022, the Town Council endorsed the acquisition of the Ryan Parcels, otherwise known as the Davie Farm Park.

CONCURRENCES: The Declaration of Restrictive Covenants were reviewed and approved as to form and legality by the Town Attorney.

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): Resolution, Attachment I – Declaration of Restrictive Covenants

RESOLUTION R-2007-_____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF RESTRICTIVE COVENANTS WITH THE FLORIDA COMMUNITIES TRUST FOR THE DAVIE FARM PARK PROJECT SITE.

WHEREAS, with R-2006-022 the Town Council of the Town of Davie endorsed the acquisition of the Ryan Parcels, otherwise known as the Davie Farm Park; and

WHEREAS, the Florida Communities Trust (FCT) approved grant funding for the Davie Farm Park, and with R-2006-189, the Town Council authorized acceptance and execution of the grant contract; and

WHEREAS, the FCT has requested the Town of Davie to execute a Declaration of Restrictive Covenants for the Davie Farm Park site pursuant to the statutes and bonds through which grant funding was awarded; and

WHEREAS, the Town of Davie wishes to restrict the development and management of the Davie Farm Park site to the environmental, recreational and educational purposes agreed to in the Town's grant application and grant contract with the FCT.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie, Florida hereby authorizes the Mayor to execute the Declaration of Restrictive Covenants for the Davie Farm Park included as "Attachment I" and authorizes appropriate Town of Davie staff to transmit the signed documents to the necessary funding and recording agencies.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

ATTACHMENT I

This document prepared by:
Kristen L. Coons, Esq.
Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

FLORIDA COMMUNITIES TRUST
FF5 AWARD #05-048-FF5
FCT Contract #07-CT-90-05-F5-J1-048
DAVIE FARM PARK

DECLARATION OF RESTRICTIVE COVENANTS

THIS AGREEMENT is entered into by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and the **TOWN OF DAVIE**, a local government of the State of Florida ("Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING FACTS:

WHEREAS, the intent of this Agreement is to impose terms and conditions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds, as described in Exhibit "A" attached hereto and made a part hereof ("Project Site"), that are necessary to ensure compliance with applicable Florida law and federal income tax law and to otherwise implement the provisions of Sections 259.105, 259.1051 and Chapter 380, Part III, Florida Statutes;

WHEREAS, Chapter 380, Part III, Fla. Stat., the Florida Communities Trust Act, creates a non-regulatory agency within the Department of Community Affairs ("Department") that will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, FCT is funded through either Section 259.105(3)(c), Fla. Stat. of the Florida Forever Act, which provides for the distribution of twenty-two percent (22%), less certain reductions, of the net Florida Forever Revenue Bond proceeds to the Department, or any other revenue source designated by the Florida Legislature, to provide land acquisition grants to local governments and nonprofit environmental organizations for the acquisition of community-based projects, urban open spaces, parks and greenways to implement local comprehensive plans;

DRC\05-048-FF5
3/22/2007

WHEREAS, the Florida Forever Revenue Bonds are issued as tax-exempt bonds, meaning the interest on the Bonds is excluded from the gross income of bondholders for federal income tax purposes;

WHEREAS, Rule 9K-7.009(1), Florida Administrative Code ("F.A.C."), authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding;

WHEREAS, FCT has approved the terms under which the Project Site was acquired and the deed whereby the Recipient acquired title to the Project Site. The deed shall contain such covenants and restrictions as are sufficient to ensure that the use of the Project Site at all times complies with Section 375.051, Florida Statutes and Section 9, Article XII of the State Constitution and it shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund ("Trustees") upon the failure of the Recipient to use the Project Site acquired thereby for such purposes; and

WHEREAS, the purpose of this Agreement is to set forth the covenants and restrictions that are imposed on the Project Site subsequent to disbursing FCT Florida Forever funds to the Recipient for Project Costs.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and the Recipient do hereby contract and agree as follows:

I. PERIOD OF AGREEMENT

1. This Agreement shall begin upon execution by both parties. The covenants and restrictions contained herein shall run with the Project Site and shall bind, and the benefit shall inure to, FCT and the Recipient and their respective successors and assigns.

II. MODIFICATION OF AGREEMENT

1. Either party may request modification of the provisions of this Agreement at any time. Changes which are mutually agreed upon shall be valid only when reduced to writing and duly signed by each of the parties hereto. Such amendments shall be incorporated into this Agreement.

III. RECORDING AND APPROVAL OF DECLARATION OF RESTRICTIVE COVENANTS

1. Upon execution by the parties hereto, the Recipient shall cause this Agreement to be recorded and filed in the official public records of **Broward County, Florida**, and in such manner

DRC\05-048-FF5
3/22/2007

and in such other places as FCT may reasonably request. The Recipient shall pay all fees and charges incurred in connection therewith.

2. The Recipient and FCT agree that the State of Florida Department of Environmental Protection shall forward this Agreement to the Department of Environmental Protection Bond Counsel for review. In the event Bond Counsel opines that an amendment is required to this Agreement so that the tax-exempt status of the Florida Forever Bonds is not jeopardized, FCT and the Recipient shall amend the Agreement accordingly.

IV. NOTICE AND CONTACT

1. All notices provided under or pursuant to this Agreement shall be in writing and delivered either by hand delivery or first class, certified mail, return receipt requested, to the addresses specified below. Any such notice shall be deemed received on the date of delivery if by personal delivery or upon actual receipt if sent by registered mail.

FCT: Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
ATTN: Program Manager

Recipient: Town of Davie
6591 Orange Drive
Davie, FL 33314
ATTN: Town Administrator

2. In the event that a different representative or address is designated for paragraph 1. above after execution of this Agreement, notice of the change shall be rendered to FCT as provided in paragraph 1. above.

V. PROJECT SITE TITLE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375 AND CHAPTER 380, PART III, FLA. STAT.

1. Any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee containing such covenants, clauses or other restrictions as are sufficient to protect the interest of the State of Florida.

2. The interest acquired by the Recipient in the Project Site shall not serve as security for any debt of the Recipient.

DRC\05-048-FF5
3/26/2007

3. If the existence of the Recipient terminates for any reason, title to the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District who agrees to accept title and manage the Project Site.

4. In the event that the Project Site is damaged or destroyed or title to the Project Site, or any part thereof, is taken by any governmental body through the exercise or the threat of the exercise of the power of eminent domain, the Recipient shall deposit with FCT any insurance proceeds or any condemnation award and shall promptly commence to rebuild, replace, repair or restore the Project Site in such manner as is consistent with the Agreement. FCT shall make any such insurance proceeds or condemnation award moneys available to provide funds for such restoration work. In the event that the Recipient fails to commence or to complete the rebuilding, repair, replacement or restoration of the Project Site after notice from FCT, FCT shall have the right, in addition to any other remedies at law or in equity, to repair, restore, rebuild or replace the Project Site so as to prevent the occurrence of a default hereunder.

Notwithstanding any of the foregoing, FCT shall have the right to seek specific performance of any of the covenants and restrictions of this Agreement concerning the construction and operation of the Project Site.

VI. MANAGEMENT OF PROJECT SITE

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for compatible passive, natural resource-based public outdoor recreation, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Management Plan approved by FCT.

2. The Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation or outdoor recreation uses, as appropriate. If an amendment to the applicable comprehensive plan is required, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the Recipient.

3. The Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction, as applicable. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

4. The Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the Management Plan approved by FCT.

DRC\05-048-FF5
3/22/2007

5. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the Recipient at the Project Site.

6. All buildings, structures, improvements and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably withheld by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. FCT's approval of the Recipient's Management Plan addressing the items mentioned herein shall be considered written approval from FCT.

7. If archaeological and historic sites are located on the Project Site, the Recipient shall comply with Chapter 267, Fla. Stat. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site shall be prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

8. As required by Rule 9K-7.013, F.A.C., each year after FCT reimbursement of Project Costs the Recipient shall prepare and submit to FCT an annual stewardship report that documents the progress made on implementing the Management Plan.

VII. SPECIAL MANAGEMENT CONDITIONS

The Management Plan for the project site is mentioned throughout this Agreement, and is particularly described in Section IV. above. In addition to the various conditions already described in this Agreement, which apply to all sites acquired with FCT funds, the Management Plan shall address the following conditions that are particular to the project site and result from either representations made in the application that received scoring points or observations made by the FCT staff during the site visit described in Rule 9K-7.009(1), F.A.C.:

1. Two or more resource-based outdoor recreational facilities including a picnic pavilion and wildlife observation platform shall be provided. The facilities shall be developed in a manner that allows the general public reasonable access for observation and appreciation of the natural resources on the project site without causing harm to those resources.
2. A permanent recognition sign, a minimum size of 4' x 6', shall be maintained in the entrance area of the project site. The sign shall acknowledge that the project site was purchased with funds from the Florida Communities Trust Florida Forever Program and the Recipient.
3. At least 12 regularly scheduled and ongoing educational classes or programs that promote the protection of natural resources shall be provided annually at the project site.
4. Interpretive signage shall be provided to educate visitors about the natural resources and

DRC\05-048-FF5
3/22/2007

unique history of the area.

5. A staffed nature center shall be developed on the project site to provide year round education programming concerning the natural environment or history of the area.
6. The project site shall be managed in a manner that protects and enhances habitat for listed wildlife species that utilize or could potentially utilize the project site, including burrowing owls. The development of the management plan shall be coordinated with the Fish and Wildlife Conservation Commission to ensure the preservation and viability of listed and non-listed native wildlife species and their habitat. Periodic surveys shall be conducted of listed species using the project site.
7. A stormwater facility shall be developed and implemented for the project site to mitigate the existing flooding in the area. The development of a stormwater plan for the project site shall be done in coordination with the South Water Management District. The proposed stormwater facilities for the project site shall be designed to provide recreation open space or wildlife habitat.
8. A comprehensive landscaping plan will be developed for the project site. The landscaping plan will make significant use of native plants.
9. An ongoing monitoring and control program for invasive vegetation including exotic (non-native) and nuisance native plant species shall be implemented at the project site. The objective of the control program shall be the elimination of invasive exotic plant species and the maintenance of a diverse association of native vegetation. The management plan shall reference the Exotic Pest Plant Council's List of Florida's Most Invasive Species to assist in identifying invasive exotics on the project site.
10. A feral animal removal program shall be developed and implemented for the project site.
11. Prior to the commencement of any proposed development activities, measures will be taken to determine the presence of any archaeological sites. All planned activities involving known archaeological sites or potential site areas shall be closely coordinated with the Department of State, Division of Historic Resources in order to prevent the disturbance of significant sites.
12. The location and design of the parking facility shall be designed to have minimal impacts on natural resources. The parking area shall incorporate pervious material wherever feasible.
13. Bike parking stands shall be installed at the project site to provide an alternative to automobile transportation to the project site.
14. The development and management of the project site shall be managed as part of the Davie Recreational Trail.

DRC\05-048-FF5
3/22/2007

15. Proposed site improvements shall be designed and located to minimize or eliminate the long-term risk of storm damage or flooding in conjunction with appropriate hazard mitigation agencies or experts.

16. The requirements imposed by other grant program funds that may be sought for activities associated with the project site shall not conflict with the terms and conditions of this award.

VIII. OBLIGATIONS OF THE RECIPIENT RELATING TO THE USE OF BOND PROCEEDS

1. FCT is authorized by Section 380.510, Fla. Stat. to impose conditions for funding on the Recipient in order to ensure that the project complies with the requirements for the use of Florida Forever Bond proceeds including, without limitation, the provisions of the Internal Revenue Code and the regulations promulgated thereunder as the same pertain to tax exempt bonds.

2. The Recipient agrees and acknowledges that the below listed transactions, events, and circumstances, collectively referred to as the “disallowable activities,” may be disallowed on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law. The Recipient further agrees and acknowledges that these disallowable activities may be allowed up to a certain extent based on guidelines or tests outlined in the Federal Private Activity regulations of the Internal Revenue Service:

- a. any sale or lease of any interest in the Project Site to a non-governmental person or organization;
- b. the operation of any concession on the Project Site by a non-governmental person or organization;
- c. any sales contract or option to buy or sell things attached to the Project Site to be severed from the Project Site with a non-governmental person or organization;
- d. any use of the Project Site by a non-governmental person other than in such person’s capacity as a member of the general public;
- e. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of Bonds from which the disbursement is to be made;
- f. a management contract for the Project Site with a non-governmental person or organization; or

DRC\05-048-FF5
3/22/2007

7

- g. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

3. If the Project Site, after its acquisition by the Recipient and/or the Trustees, is to remain subject to any of the disallowable activities, the Recipient shall provide notice to FCT, as provided for in paragraph III.1. above, at least sixty (60) calendar days in advance of any such transactions, events or circumstances, and shall provide FCT such information as FCT reasonably requests in order to evaluate for approval the legal and tax consequences of such disallowable activities.

4. In the event that FCT determines at any time that the Recipient is engaging, or allowing others to engage, in disallowable activities on the Project Site, the Recipient shall immediately cease or cause the cessation of the disallowable activities upon receipt of written notice from FCT. In addition to all other rights and remedies at law or in equity, FCT shall have the right to seek temporary and permanent injunctions against the Recipient for any disallowable activities on the Project Site.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE RECIPIENT AND OTHER GOVERNMENTAL BODIES, NONPROFIT ENTITIES OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

IX. RECORDKEEPING; AUDIT REQUIREMENTS

1. The Recipient shall maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure of funds under this Agreement. These records shall be available at all reasonable times for inspection, review or audit by state personnel, FCT and other personnel duly authorized by FCT. "Reasonable" shall be construed according to the circumstances, but ordinarily shall mean the normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

2. If the Recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year of such Recipient, the Recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Fla. Stat., the applicable rules of the Executive Office of the Governor and the Comptroller and Chapter 10.550 (local government entities) or Chapter 10.650 (nonprofit organizations), Rules of the Auditor General. In determining the State financial assistance expended in its fiscal year, the Recipient shall consider all sources of State financial assistance, including State funds received from FCT, other state agencies and other non-state entities. State financial assistance does not include Federal direct or pass-

DRC\05-048-FF5
3/22/2007

through awards and resources received by a non-state entity for Federal program matching requirements. The funding for this Agreement was received by FCT as a grant appropriation.

In connection with the audit requirements addressed herein, the Recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Fla. Stat. This includes submission of a reporting package as defined by Section 215.97(2)(d), Fla. Stat. and Chapter 10.550 (local government entities) or 10.650 (nonprofit organizations), Rules of the Auditor General.

3. If the Recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat. is not required. If the Recipient elects to have an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat., the cost of the audit must be paid from non-State funds (i.e., the cost of such an audit must be paid from Recipient funds not obtained from a State entity).

4. The annual financial audit report shall include all management letters, the Recipient's response to all findings, including corrective actions to be taken, and a schedule of financial assistance specifically identifying all Agreement and other revenue by sponsoring agency and agreement number. Copies of financial reporting packages required under this Article shall be submitted by or on behalf of the Recipient directly to each of the following:

Department of Community Affairs (at each of the following addresses):

Office of Audit Services
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

and

Florida Communities Trust
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

State of Florida Auditor General at the following address:

Auditor General's Office
Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32302-1450

5. If the audit shows that any portion of the funds disbursed hereunder were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to FCT of all funds not spent in accordance with the applicable regulations and Agreement provisions within thirty (30) days after FCT has notified the Recipient of such non-compliance.

DRC\05-048-FF5
3/22/2007

6. The Recipient shall retain all financial records, supporting documents, statistical records and any other documents pertinent to this Agreement for a period of five years after the date of submission of the final expenditures report. However, if litigation or an audit has been initiated prior to the expiration of the five-year period, the records shall be retained until the litigation or audit findings have been resolved.

7. The Recipient shall have all audits completed in accordance with Section 215.97, Fla. Stat. performed by an independent certified public accountant ("IPA") who shall either be a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The IPA shall state that the audit complied with the applicable provisions noted above.

X. DEFAULT; REMEDIES; TERMINATION

1. If any essential term or condition of the Declaration of Restrictive Covenants is violated by the Recipient or by some third party with the knowledge of the Recipient, the Recipient shall be notified of the violation by written notice given by personal delivery, registered mail or registered expedited service. The recipient shall diligently commence to cure the violation or complete curing activities within thirty (30) days after receipt of notice of the violation. If the curing activities can not be reasonably completed within the specified thirty (30) day time frame, the Recipient shall submit a timely written request to the FCT Program Manager that includes the status of the current activity, the reasons for the delay and a time frame for the completion of the curing activities. FCT shall submit a written response within thirty (30) days of receipt of the request and approval shall not be unreasonably withheld. It is FCT's position that all curing activities shall be completed within one hundred twenty (120) days of the Recipient's notification of the violation. However, if the Recipient can demonstrate extenuating circumstances exist to justify a greater extension of time to complete the activities, FCT shall give the request due consideration. If the Recipient fails to correct the violation within either (a) the initial thirty (30) day time frame or (b) the time frame approved by FCT pursuant to the Recipient's request, fee simple title to all interest in the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District, who agrees to accept title and manage the Project Site. FCT shall treat such property in accordance with Section 380.508(4)(e), Fla. Stat.

XI. STANDARD CONDITIONS

1. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in Leon County. If any provision hereof is in conflict with any applicable statute or rule, or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict and shall be severable, but shall not invalidate any other provision of this Agreement.

DRC\05-048-FF5
3/22/2007

10

2. No waiver by FCT of any right or remedy granted hereunder or failure to insist on strict performance by the Recipient shall affect or extend or act as a waiver of any other right or remedy of FCT hereunder, or affect the subsequent exercise of the same right or remedy by FCT for any further or subsequent default by the Recipient.

3. The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), if applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications.

4. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit lease bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of Category Two for a period of 36 months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

5. No funds or other resources received from FCT in connection with this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

This Agreement including Exhibit "A" embodies the entire agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Witness:

TOWN OF DAVIE, a local government of
the State of Florida

Print Name: _____

By: _____

Print Name: _____

Date: _____

Approved as to Form and Legality:

By: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this ____ day of _____,
2007, by _____ on behalf of the Local Government, and who is personally
known to me.

Notary Public

Print Name: _____

Commission No. _____

My Commission Expires: _____

DRC\05-048-FF5
3/22/2007

Witness:

FLORIDA COMMUNITIES TRUST

Print Name: _____

By: _____
Janice Browning, Director, Division of
Housing and Community Development

Print Name: _____

Date: _____

Approved as to Form and Legality:

By: _____
Kristen L. Coons, Trust Counsel

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by Janice Browning, Director, Division of Housing and Community Development. She is personally known to me.

Notary Public
Print Name: _____
Commission No. _____
My Commission Expires: _____

DRC\05-048-FF5
3/22/2007

EXHIBIT A

**Legal Description
Page 1 of 4**

PARCEL 1

Tract 38, of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, in Section 21, Township 50 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, lying and situated in Broward County, Florida, LESS AND EXCEPT the following:

(A)

A portion of Tract 38 in the Southwest 1/4 of Section 21, Township 50 South, Range 40 East, according to the Plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, at Page 17 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 21, Township 50 South, Range 40 East; thence run South 89°54'18" West along the South line of the Southeast 1/4 of said Section 21 for 2640.26 feet to the Southwest corner of said Southeast 1/4, the same being the Southeast corner of the Southwest 1/4 of said Section 21; thence run North 0°09'57" West along the East line of the Southwest 1/4 of said Section 21 for 661.06 feet to an intersection with the South line of Tract 38; thence run South 89°55'16" West along the South line of Tract 38 for 1288.19 feet to the Point of Beginning; thence continue South 89°55'16" West along said South line for 32.49 feet; thence North 00°12'47" West along the West line of Tract 38 for 140.00 feet; thence North 89°55'16" East for 32.82 feet; thence South 00°04'44" East for 140.00 feet to the Point of Beginning.

Together with all rights of ingress, egress, light, air and view between the grantor remaining property and any facility constructed on the above described property.

(B)

A portion of Tract 38 in the Southwest 1/4 of Section 21, Township 50 South, Range 40 East, according to the Plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 21, Township 50 South, Range 40 East; thence run South 89°54'18" West along the South line of the Southeast 1/4 of said Section 21 for 2640.26 feet to the Southwest corner of said Southeast 1/4, the same being the Southeast corner of the Southwest 1/4 of said Section 21; thence run North 0°09'57" West along the East line of the Southwest 1/4 of said Section 21 for 661.06 feet to an intersection with the South line of Tract 38; thence run South 89°55'16" West along the South line of Tract 38 for 261.81 feet to the Point of Beginning of the herein described parcel of land; thence continue South 89°55'16" West along the South line of Tract 38 for 1026.38 feet; thence run North 0°04'44" East for 140.00 feet; thence run North 89°55'16" East for 1026.38 feet; thence run South 0°04'44" East for 140.00 feet to the Point of Beginning.

Tract 37 of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, in Section 21, Township 50 South,

DRC\05-048-FF5
3/22/2007

**Legal Description
Page 2 of 4**

Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, lying and situated in Broward County, Florida.

AND

The South 1/2 of Tract 36 of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, in Section 21, Township 50 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, lying and situated in Broward County, Florida.

AND

Tracts 43, 44 and the South 1/2 of Tract 45 of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, in Section 21, Township 50 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, lying and situated in Broward County, Florida; LESS AND EXCEPT the lands described in Warranty Deed filed in Official Records Book 30938, Page 90, of the Public Records of Broward County, Florida and LESS AND EXCEPT the following:

A portion of Tracts 25 and 26 in the Northwest 1/4 and Tracts 43, 44, 45, 46, 47 and 48 in the Southwest 1/4 of Section 21, Township 50 South, Range 40 East, according to the Plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 21, Township 50 South, Range 40 East; thence run South 0°15'37" East along the West line of the Northwest 1/4 of said Section 21 for 1985.40 feet to a point of intersection with the North line of said Tract 26, said point being the Point of Beginning of the herein described parcel of land; thence run North 89°59'07" East along the last described North line for 474.89 feet; thence run South 1°16'48" East for 478.38 feet; thence run South 13°58'08" East for 888.45 feet to the beginning of a circular curve concave to the Northeast and having a radius of 11,224.16 feet; thence run Southeasterly 1219.79 feet along said curve through a central angle of 6°13'36" to an intersection with a line that is 140.00 feet Northerly of and parallel to the South line of said Tract 43; thence run North 89°55'16" East along the last described parallel line for 274.00 feet; thence run South 0°12'47" East for 140.00 feet to an intersection with the South line of Tract 38; thence run South 89°55'16" West along the South line of Tract 43 for 986.23 feet; thence run North 0°04'44" West for 140.00 feet to an intersection with a line that is 140.00 feet Northerly of and parallel to the South line of Tract 43; thence run North 89°55'16" East along the last described parallel line for 200.00 feet to a point on a circular curve concave to the Northeast and having a radius of 11,706.16 feet; thence from a tangent bearing of North 19°20'01" West, run Northwesterly for 1096.11 feet along said curve through a central angle of 5°21'54" to the end of said curve; thence run North 13°58'08" West for 113.45 feet; thence run North 15°24'09" West for 761.02 feet to an intersection with the West line of the Northwest 1/4 of said Section 21; thence run North 0°15'37" West along the last described West line for 612.89 feet to the Point of Beginning.

Together with all rights of ingress, egress, light, air and view between the grantors' remaining property and any facility constructed on the above described property.

ALSO FEE SIMPLE RIGHT OF WAY

A portion of Tract 43 in the Southwest 1/4 of Section 21, Township 50 South, Range 40 East, according to the Plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, at Page 17 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 21, Township 50 South, Range 40 East; thence run

DRC\05-048-FF5
3/22/2007

15

Legal Description
Page 3 of 4

South 89°54'18" West along the South line of the Southeast 1/4 of said Section 21 for 2640.26 feet to the Southwest corner of said Southeast 1/4; thence continue South 89°54'18" West along the South line of the Southwest 1/4 of said Section 21 for 2640.26 feet to the Southwest corner of said Section 21; thence run North 0°15'37" West along the West line of the Southwest 1/4 of said Section 21 for 661.80 feet to a point of intersection with the South line of Tract 43, said point being the Point of Beginning of the herein described parcel of land; thence continue North 0°15'37" West along the West line of the Southwest 1/4 of said Section 21 for 140.00 feet to an intersection with a line that is 140.00 feet Northerly of and parallel to the South line of said Tract 43; thence run North 89°55'16" East along the last described parallel line for 334.88 feet; thence run South 0°04'44" East for 140.00 feet to an intersection with the South line of said Tract 43; thence run South 89°55'16" West along the last described South line for 334.44 feet to the Point of Beginning.

PARCEL 2

The North 1/2 of Tract 36 of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, in Section 21, Township 50 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, lying and situated in Broward County, Florida.

AND

Tract 34 of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, in Section 21, Township 50 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, lying and situated in Broward County, Florida.

AND

Tracts 46, 47, and the North 1/2 of Tract 45 of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, in Section 21, Township 50 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, lying and situated in Broward County, Florida, LESS AND EXCEPT the lands described in Warranty Deed filed in Official Records Book 30938, Page 93, of the Public Records of Broward County, Florida, and LESS AND EXCEPT the following:

A portion of Tracts 25 and 26 in the Northwest 1/4 and Tracts 43, 44, 45, 46, 47 and 48 in the Southwest 1/4 of Section 21, Township 50 South, Range 40 East, according to the Plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 21, Township 50 South, Range 40 East; thence run South 0°15'37" East along the West line of the Northwest 1/4 of said Section 21 for 1985.40 feet to a point of intersection with the North line of said Tract 26, said point being the Point of Beginning of the herein described parcel of land; thence run North 89°59'07" East along the last described North line for 474.89 feet; thence run South 1°16'48" East for 478.38 feet; thence run South 13°58'08" East for 888.45 feet to the beginning of a circular curve concave to the Northeast and having a radius of 11,224.16 feet; thence run Southeasterly 1219.79 feet along said curve through a central angle of 6°13'36" to an intersection with a line that is 140.00 feet Northerly of and parallel to the South line of said Tract 43; thence run North 89°55'16" East along the last described parallel line for 274.00 feet; thence run South 0°12'47" East for 140.00 feet to an intersection with the South line of Tract 38; thence run South 89°55'16" West along the South line of Tract 43 for 986.23 feet; thence run North 0°04'44" West for 140.00 feet to an intersection with a line that is 140.00 feet Northerly of and parallel to the South line of Tract 43; thence run North 89°55'16" East along the last described parallel line for 200.00 feet to a point on a circular curve concave to the Northeast and having a radius of 11,706.16 feet; thence from a tangent bearing of North 19°20'01" West, run Northwesterly for 1096.11 feet along said curve through a central angle of 5°21'54" to the end of said curve; thence run North 13°58'08" West for 113.45 feet;

DRC\05-048-FF5
3/22/2007

16

Legal Description
Page 4 of 4

thence run North 15°24'09" West for 761.02 feet to an intersection with the West line of the Northwest 1/4 of said Section 21; thence run North 0°15'37" West along the last described West line for 612.89 feet to the Point of Beginning.

Together with all rights of ingress, egress, light, air and view between the grantors' remaining property and any facility constructed on the above described property.

ALSO SEE SIMPLE RIGHT OF WAY

A portion of Tract 43 in the Southwest 1/4 of Section 21, Township 50 South, Range 40 East, according to the Plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, as recorded in Plat Book 2, at Page 17 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 21, Township 50 South, Range 40 East; thence run South 89°54'18" West along the South line of the Southeast 1/4 of said Section 21 for 2640.26 feet to the Southwest corner of said Southeast 1/4; thence continue South 89°54'18" West along the South line of the Southwest 1/4 of said Section 21 for 2640.26 feet to the Southwest corner of said Section 21; thence run North 0°15'37" West along the West line of the Southwest 1/4 of said Section 21 for 661.80 feet to a point of intersection with the South line of Tract 43, said point being the Point of Beginning of the herein described parcel of land; thence continue North 0°15'37" West along the West line of the Southwest 1/4 of said Section 21 for 140.00 feet to an intersection with a line that is 140.00 feet Northerly of and parallel to the South line of said Tract 43; thence run North 89°55'16" East along the last described parallel line for 334.88 feet; thence run South 0°04'44" East for 140.00 feet to an intersection with the South line of said Tract 43; thence run South 89°55'16" West along the last described South line for 334.44 feet to the Point of Beginning.

DRC\05-048-FF5
3/22/2007

17

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TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Dennis Andresky 954 797-1150

PREPARED BY: Bette S. Gibson 954 797-1089

SUBJECT: Resolution

AFFECTED DISTRICT: District 1 with Townwide participation

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD FOR THE PROVISION OF SUMMER FOOD MEAL SERVICE FOR THE TOWN'S FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM.

REPORT IN BRIEF: The Town utilizes the State of Florida Department of Education Summer Food Services Program to provide summer program lunches and snacks at the Eastside Community Center, and Potter Park Multipurpose Center. The program is federally funded and program sponsors are encouraged to use their local public or private school authority as a meal service provider. Town staff monitors and administers this program and the grant fully reimburses the Town. Staff recommends use of the School Board of Broward County as a meal provider for this program.

PREVIOUS ACTIONS: This will be the seventh year that Broward County School Board Food Services Division provides approximately 3,000 lunches and snacks.

CONCURRENCES: R-2003-40, R 2004-065, R-2005-59, and R-2006

FISCAL IMPACT: Yes
Has request been budgeted? Yes
If yes, expected cost: \$13,000
Account Name: food program expense
If no, amount needed: \$
What account will funds be appropriated from:
Additional Comments:

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Resolution, Summer Food Service Agreement, USDA Summer Food Program 2007 Administrative Guidance, page 97 & 98

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD FOR THE PROVISION OF SUMMER FOOD MEAL SERVICE FOR THE TOWN'S FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM.

WHEREAS, the Town of Davie utilizes the federally funded State of Florida Department of Education Summer Food Services Program to provide lunches and snacks for its Summer Camp Programs at Eastside Community Hall, and Potter Park Multipurpose Center; and

WHEREAS, the United States Department of Agriculture encourages the use of the local public or private school food authority as a food service provider; and

WHEREAS, it is in the best interest of the Town of Davie to enter into an agreement with its local public school food authority, the Broward County School Board, for the provision of summer camp program lunches and snacks.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby authorize the Town Administrator to enter into an agreement with the Broward County School Board for the provision of Summer Food Meal Service.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007

SUMMER FOOD SERVICE AGREEMENT

THIS AGREEMENT is made and entered into as of this _____, by
and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

TOWN OF DAVIE

(Hereinafter referred to as "CITY"),
a municipal corporation of the State of Florida.

WHEREAS, the CITY is desirous of obtaining food services for a Summer Food Program (hereinafter referred to as "Program") from SBBC and SBBC is willing to provide such services.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals.** The Parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 - SPECIAL CONDITIONS

2.01 **Effective Date.** The effective date of this Agreement shall be June 4, 2007.

2.02 **Term.** The term of this Agreement shall be from June 4, 2007 through July 27, 2007.

2.03 **Meals Provided.** SBBC will provide the SCHOOL meals that meet the minimum meal pattern requirements for the Program as to components and portion sizes. The meals will be delivered by SBBC in a timely manner to the sites listed on Exhibit "A".

2.04 **Meal Rates.** SBBC will deliver unitized meals, inclusive of milk, to the CITY for the following rates:

Lunch: \$2.80 per meal.

Snack: \$.60 per meal.

2.05 **Meal Reports.** SBBC's Food and Nutrition Services Department will maintain full and accurate records specifying menu records and identifying the amount of food prepared and the daily number of meals delivered by type. SBBC will provide meal reports to the CITY promptly at the end of each month. SBBC will retain such records for a period of three (3) years from the date of receipt of final payment under this agreement (or longer, if SBBC has been notified of an audit in progress). Upon request, SBBC will make all accounts and records pertaining to the Program available to representatives of the United States Department of Agriculture and the General Accounting Office for audit or administrative review at a reasonable time and place.

2.06 **Meal Invoices.** SBBC's School Food Accounting Department will send an invoice to the CITY each month setting forth the amounts payable to SBBC for the meals provided. The invoice shall be based upon food delivery reports generated by SBBC's Food and Nutrition Services Department. The CITY will pay SBBC the invoiced amount within ten (10) days of receipt of the invoice. SBBC's records regarding the delivery of meals and the CITY's Program participation shall be open to inspection and audit by the CITY and its designees upon reasonable advance notice.

2.07 **Audits.** With regard to any inspection or audit of records pursuant to this Agreement, each party agrees that the other party and its designee(s) shall have full access to inspect and copy any records reasonably necessary for the conduct of such inspection and audit. Such inspection shall be conducted at the place where such records are usually kept and during normal business hours. The Parties agree that all records maintained concerning the duties, responsibilities and obligations imposed under this Agreement shall be kept in Broward County, Florida. Each party agrees to provide a reasonable sufficient workspace for the use of the inspecting or auditing party's personnel during such inspection or audit. Each party agrees to cooperate with the inspecting or auditing party and its designee(s) during the course of an inspection or audit. The costs of any such inspection or audit shall be borne by the party requesting the inspection or audit.

2.08 **Indemnification.** Each party agrees to be fully responsible for its acts of negligence, or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

ARTICLE 3 - GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity.** Nothing contained in this Agreement is intended to serve as a waiver of sovereign immunity by any agency to which sovereign immunity may be applicable.

3.02 **No Third Party Beneficiaries.** The Parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any manner arising out of any contract.

3.03 **Non-Discrimination.** The Parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this

Agreement because of race, age, religion, color, gender, national origin, marital status, disability or sexual orientation.

3.04 **Termination.** This Agreement may be canceled by either party during the term hereof upon thirty (30) days written notice to the other parties of its desire to terminate this Agreement.

3.05 **Records.** Each Party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each Party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

3.06 **Entire Agreement.** This document incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the Parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the Parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.07 **Amendments.** No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.08 **Preparation of Agreement.** The Parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.09 **Waiver.** The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

3.10 **Compliance with Laws.** Each party shall comply with all applicable federal and state laws, codes, rules and regulation in performing its duties, responsibilities and obligations pursuant to this Agreement.

3.11 **Governing Law.** This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement

or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

3.12 **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.13 **Assignment.** Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.14 **Force Majeure.** Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.15 **Place of Performance.** All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

3.16 **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not effect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

3.17 **Notice.** When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:

Superintendent of Schools
The School Board of Broward County, Florida
600 Southeast Third Avenue
Fort Lauderdale, Florida 33301

With a Copy to:

Director of Food and Nutrition Services
7720 West Oakland Park Boulevard, Suite 204
Sunrise, Florida 33351

To CITY:

Bette S. Gibson
Davie Parks & Recreation Dept.
6591 Orange Drive
Davie, FL 33314-3399

3.18 **Captions.** The captions, section numbers, article numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.19 **Authority.** Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By _____
Beverly A. Gallagher, Chair

JAMES F. NOTTER
Interim Superintendent of Schools

Approved as to Form:

Robert Paul Vignola
School Board Attorney

FOR CITY

(Corporate Seal)

TOWN OF DAVIE

ATTEST:

By _____
Gary Shimun,
Town Administrator

(Please Print)

(Signature)

-OR-

Witness (please print)

(Signature)

Witness (please print)

(Signature)

**The Following Notarization is Required for Every Agreement Without Regard to
Whether the School Chose to Use a Secretary's Attestation or Two (2) Witnesses.**

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of

_____, 20____ by _____ of

Name of Person

_____, on behalf of the corporation/agency.

Name of Corporation or Agency

He/She is personally known to me or produced _____ as

Type of identification

identification and did/did not first take an oath.

My Commission Expires:

Signature – Notary Public

(SEAL)

Printed Name of Notary

Notary's Commission No.

Exhibit A

TOWN OF DAVIE

Eastside Community Hall
4300 S.W. 55th Avenue
Davie, FL 33314
Contact: Sharon Johnson
Telephone: 954-797-1184

Davie Police Athletic League (P.A.L.)
Potter Park Multipurpose Center
4300 S. W. 57th Terrace
Davie, FL 33314
Contact: John Cassaro
Telephone: 954-327-3941

jurisdiction to enforce it with either party, or resolve any disputes that may arise.

Procurement

All procurement of food, supplies, goods, and other services with program funds by sponsors must comply with procurement standards prescribed in USDA's Uniform Federal Assistance Regulations, 7 CFR Part 3016 for public sponsors and 7 CFR Part 3019 for private non-profit sponsors. (Note: USDA issued a final rule on August 14, 2000 that establishes Part 3016 and Part 3019 as the appropriate USDA procurement regulations for USDA entitlement programs, including the SFSP and other Child Nutrition Programs.) The State agency will make these documents available to sponsors upon request, and can provide more detailed information about these minimum purchasing requirements. In addition to complying with the minimum Federal standards, sponsor purchases may have to meet other State, local, and/or State agency standards, as well as special procurement requirements which may be established by the State agency, with approval of FNS, to prevent fraud, waste, and program abuse.

Minority Business Enterprise (7 CFR 3016.36(e), 3019.44(b) and 7 CFR 225.17))

All sponsors are encouraged to procure their food, supplies, goods, and services from minority business enterprises. Sponsors may wish to divide their total procurement needs into smaller quantities to facilitate participation by minority business enterprises. They may also want to establish delivery schedules that will help minority business enterprises meet deadlines. Sponsors can use the services and assistance of the Small Business Administration and the Office of Minority Business Enterprise of the Department of Commerce.

Invitation for Bid and Contract (7 CFR 225.6(h)(2))

State agencies may require all sponsors under their jurisdiction to use a standard contract for meals provided by a food service management company. These standard contracts may vary according to different State and local requirements. This document can serve a dual purpose. It may contain the specific information a bidder needs to submit (The Invitation for Bid) and, upon acceptance of the bid and execution, it becomes the contract.

Soliciting Local Schools (7 CFR 225.15(b)(1))

Federal regulations strongly encourage sponsors to first consider their local school food authority (SFA) as a source for obtaining meal service. Using the facilities of local public or private schools--to prepare or obtain meals offers the sponsor several advantages. These schools often prepare large numbers of meals during the school year and already have the facilities and the staff to prepare meals for the SFSP. In addition, many schools are accustomed to preparing meals that meet USDA requirements if they participate in other Child Nutrition Programs. Finally, the contractual arrangement needed to obtain the service of a SFA, a written agreement is simpler to execute than the formal competitive procurement process that is required to use a commercial company.

When assessing a school's ability to provide meal service, sponsors must consider whether or not an adequate delivery service to sites can be established and whether the meals prepared by the school are comparable in price and quality to those available from commercial vendors. Furthermore, if the school itself obtains its meals from a food service management company, the sponsor must not enter into an agreement for meal service; rather, the competitive bid procedures described below must be utilized. Sponsors that can use local school food service facilities must enter into a written agreement with the school, but are not required to utilize the competitive bid procedures described below. Attachment 7 in the Reference Section includes a sample agreement between the school and sponsor to furnish prepared meals.

Year-round Contracts With School Food Authorities

If a sponsor is considering using a School Food Authority (SFA's) that has executed a year-round contract with food service management companies, please check with your State agency before implementing a contract. Specifically, this is to determine whether SFSP meals may be included in a contract that was competitively procured on a cost-plus-fixed fee basis. (Policy Memo #1-04; Contract Requirements for School Sponsors: March 2, 2004)

Selecting a Company

If a written agreement with a local school is not possible or is not beneficial, sponsors may contract with a food service management company to prepare and deliver meals. No sponsor may, however, contract out the management responsibilities of the SFSP such as monitoring, staff training, enforcing corrective action, or preparing program applications and claims for reimbursement. Sponsors remain legally responsible for seeing that the food service operation meets all requirements specified in the agreement they sign with the State agency. It is also important to note that the contract is between the sponsoring organization and the food service management company only, and neither USDA nor the State agency have

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Shirley Taylor-Prakelt, Housing & Com. Dev. Director 797-1199

PREPARED BY: Shirley Taylor-Prakelt, Housing and Community Development Director

SUBJECT: Resolution

AFFECTED DISTRICT: Town-wide

TITLE OF AGENDA ITEM: A Resolution of the Town of Davie, adopting the Local Housing Assistance Plan (LHAP) for 2007/08 to 2009/10 under the State Housing Initiatives Partnership (SHIP) Program; authorizing the Mayor to execute the Interlocal Agreement with Broward County for the establishment and administration of a Joint Local Housing Assistance Program for 2007/2008; approving Davie's SHIP Housing Delivery Goals/Budget Strategies for FY 2007/08; and providing for an effective date.

REPORT IN BRIEF: TIn 1997, the Town of Davie became an "entitlement" recipient of State Housing Initiatives Partnership (SHIP) Grant funds. On April 1, 1998, the Town Council unanimously adopted the Town's Affordable Housing Incentive Strategy; and, the Broward County Local Housing Assistance Plan (LHAP) was amended to include the Town of Davie. Over the years the Town's Incentive Strategy has been enhanced and strengthened to encourage development of urgently needed workforce housing.

Although Davie falls under the County's LHAP, the Town determines how it's proportionate share of SHIP grant funds are allocated, and retains oversight of the Town's housing programs and initiatives. Every three (3) years, a new LHAP must be prepared and submitted to the State of Florida; and, a new Inter-Local Agreement must be developed for implementation of the various SHIP programs. The local budgets are adopted annually.

PREVIOUS ACTIONS: Every three (3) years a new LHAP is adopted by Town Council Resolution.

CONCURRENCES: Approval of this Resolution is required of all municipalities participating in the County-wide SHIP Program.

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If Receipt of \$773,000+- in SHIP Grant funds from the State of Florida.

Account Name/#: Funds are deposited in the Broward County LHAP Trust Fund, under the Town of Davie's direction.

RECOMMENDATION(S): Town Council adopt the attached Resolution so that the Town's housing programs can be continued without an interruption in services.

Attachment(s): Resolution, Interlocal Agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, ADOPTING THE LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR 2007/08 TO 2009/10 UNDER THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ESTABLISHMENT AND ADMINISTRATION OF A JOINT LOCAL HOUSING ASSISTANCE PROGRAM FOR 2007/2008; APPROVING DAVIE'S SHIP HOUSING DELIVERY GOALS/BUDGET STRATEGIES FOR FY 2007/08; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1997 the Town of Davie became an "entitlement" recipient under the State Housing Initiatives Partnership (SHIP) Program, which requires the adoption of a Local Housing Assistance Plan (LHAP); and

WHEREAS, for the purpose of implementing these SHIP Program Funds, the Broward County Local Housing Assistance Plan (LHAP) was amended to include the Town of Davie; and

WHEREAS, every three years, a new LHAP must be adopted, and the Interlocal Agreement with Broward County must be renewed; and,

WHEREAS, the new LHAP for FY 2007/08 to 2009/10 which incorporates the Town's FY 2007/08 SHIP Budget Strategies, and the new Interlocal Agreement for 2007/08 to 2009/10 has been prepared by Broward County for approval by the Town of Davie; and,

WHEREAS, the Town's Housing and Community Development Department recommends that Davie continue its positive contractual relationship with the Broward County Housing and Community Development Division; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1: The Local Housing Assistance Plan (LHAP) for 2007/08 to 2009/10 incorporates the Town's Minimum and Average SHIP Costs and the FY 2007/08 Budget Strategies, herewith included is adopted.

SECTION 2: The Interlocal Agreement with Broward County for the establishment and administration of a Joint Local Housing Assistance Program (LHAP) for 2007/08 to 2009/10, is hereby approved by this Council.

SECTION 3: Findings as to Administrative Costs. The Town of Davie hereby finds that the costs of administering the Program shall exceed five percent (5%) of the SHIP Program funds; and, pursuant to the Act, the Town hereby authorizes expenditures of no more than ten percent (10%) of Program funds for implementation of the SHIP Program.

SECTION 4. Establishment of Average and Maximum Costs. Pursuant to the SHIP Act, the Town hereby establishes the following "maximum awards" and "average costs" under the 2007/08 to 2009/10 LHAP:

SHIP Program Strategy

Average

Maximum

| | | |
|---------------------------------|----------|----------|
| Home Repair (Rehab) Program | \$30,000 | \$40,000 |
| Barrier Free (Rehab) Program | \$35,000 | \$40,000 |
| Purchase Assistance | \$30,000 | \$60,000 |
| New Const. - Single-Family | \$40,000 | \$80,000 |
| New Const. - Multi-Family | \$35,000 | \$60,000 |
| Develop. Assistance/Impact Fees | \$15,000 | \$25,000 |

SECTION 5. Budget Strategies and Budget. The following budgets and strategies are hereby adopted for the Town's FY 2007/08 SHIP allocation.

| | |
|---------------------------------|-------------------------|
| <u>SHIP Program Strategy</u> | <u>FY 2007/08</u> |
| Home Repair Program (Rehab) | \$ 100,000 |
| Barrier-Free Program | \$ 80,000 |
| Purchase Assistance - Town-wide | \$ 160,000 |
| New Const. Single Family | \$ 160,000 |
| New Const. Multi-Family | \$ 149,700 |
| Develop. Assistance/Impact Fees | \$ 50,000 |
| County Admin & H/O Counseling | \$ 36,650 |
| Town Administration | <u>\$ 36,650</u> |
| Total | \$ 773,000 ¹ |

SECTION 6. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

¹ It should be noted that this figure is subject to change based on Documentary Surtax Allocations; and, changes can be made to this budget administratively by the Town's Housing & Community Development Director , as long as the overall budget categories are not changed.

INTERLOCAL AGREEMENT FOR THE ADMINISTRATION OF THE JOINT LOCAL HOUSING ASSISTANCE PROGRAM

This INTERLOCAL AGREEMENT ("Agreement") is made and entered into by and between BROWARD COUNTY, a political subdivision of the State of Florida (the "County") and the TOWN OF DAVIE, a Florida municipal corporation ("Town"), collectively referred to as "the Parties."

W I T N E S S E T H

WHEREAS, the State Housing Initiative Partnership Act, §§ 420-907 - 420-9079, Fla. Stat. ("Act") provides for the establishment of local housing assistance programs; and

WHEREAS, the Parties wish to provide for the housing needs of their citizens, and to promote the efficient location, design and provision of affordable housing; and

WHEREAS, the Act encourages the establishment of joint local housing assistance programs, and provides for the entering into Interlocal agreements for the establishment and implementation of such joint programs; and

WHEREAS, the Parties wish to establish a joint local housing assistance program for the purpose of establishing and implementing a more efficient local housing assistance program; and

WHEREAS, the Act authorizes monies to be distributed to approved counties and eligible municipalities within the County pursuant to an Interlocal agreement; and

WHEREAS, BROWARD COUNTY is an approved county and the Town is an eligible municipality within Broward County, Florida; and

WHEREAS, the Parties desire to distribute monies available under the Act pursuant to this Interlocal Agreement and to provide for the County's implementation and administration of the Act's requirements; NOW, THEREFORE,

FOR AND IN CONSIDERATION of the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

1. Definitions. For the purposes of this Agreement, the definitions contained in the Act, and Chapter 67-37, Florida Administrative Code, as they may be amended from time to time, are adopted by reference.

2. Establishment of Joint Local Housing Assistance Program. The Parties agree to establish a joint local housing assistance program ("Program"), pursuant to the requirements of the Act, which shall be established for a three (3) year period, all subject to the provisions of §§ 420.907 - 420.9079, Fla. Stat., and other applicable law. The program shall consist of establishing a Local Housing Assistance Plan (LHAP) and the Implementation and Administration of the Program. The LHAP shall be jointly developed by the parties and shall

be adopted and amended only by resolution of each of the parties pursuant to the provisions of the Act.

3. County, through its Office of Housing Finance shall be solely responsible for the administration/implementation of the Program in accordance with the provisions of the Act.

3.1 County Provision of Performance Reports. County shall provide the Town with one Performance Report per Program per fiscal year. The Performance Report shall be the annual reporting materials required pursuant to the Act. The Performance Report shall, at a minimum, provide the Town with the following information: Population data for those assisted including: income level, age, family size, race, and any special needs populations; amount of funds expended within the Town, by category with the Town Program; and balance of funds remaining to be expended within the Town.

3.2 County shall file a single annual report for all Program activities, in all applicable governmental jurisdictions, pursuant to the requirements of the Act's implementing regulations.

3.3 County shall establish, or cause to be established based on input from the Town, all of the administrative criteria or requirements necessary or desirable to implement the Act, including without limitation, the following: (i) maximum award schedules; (ii) qualification systems for applications received pursuant to the Program activities; (iii) eligibility criteria for Program participants; (iv) advertising requirements for the availability of funds; and (v) definitions of affordable housing. The parties expressly agree that the administrative criteria or requirements to be established may, as applicable or appropriate, vary based on either the nature of the Program element or strategy to be addressed, or the requirements of the local jurisdiction, all of which shall be subject to the provisions of the Act.

4. Establishment and Administration of Trust Fund. In order to implement and administer the Act, the County shall establish a specially designated and dedicated Affordable Housing Assistance Trust Fund ("Affordable Housing Assistance Trust Fund") within the official fiscal and accounting records of the County. All monies received from the state pursuant to the Act, and any funds received or budgeted to provide funding for the Program, shall be deposited into the Affordable Housing Assistance Trust Fund.

4.1 Restrictions on use of Funds. Pursuant to the Act's requirements, expenditures other than for the administration and implementation of the Program shall not be made from the Affordable Housing Assistance Trust Fund.

4.2 Audit of Housing Trust Fund. The County agrees that the Affordable Housing Assistance Trust Fund shall be separately stated as a special revenue fund in the County's audited financial statements. Copies of such audited financial statements shall, consistently with the requirements of the Act, be forwarded to the Florida Housing Finance

Corporation as soon as such statements are available. The parties agree to pay their pro rata share of the cost of the audit using Town and County Program administrative dollars. The County shall provide the Town a copy of this audit.

5. Distribution of Funds Available Pursuant to the Act. All monies available to the Town and the County pursuant to the Act shall be distributed to the County as provided in the Act.

5.1 Directions to Corporation. The Town and the County direct the Florida Housing Finance Corporation (the "Corporation") to distribute the monies pursuant to the Act in accordance with this Agreement, and authorize the Corporation to rely on the parties' stated intent and authority to execute this Agreement.

5.2 Deposit of Funds. The monies to be distributed by the Corporation will be deposited in the following Depository Account: Broward County Affordable Housing Assistance Trust Fund.

5.3 The Corporation shall be notified by the parties of any change in the status of the Affordable Housing Assistance Trust Fund, or the distribution agreement between them.

5.4 Broward County shall administer and distribute the SHIP Program funding according to the allocation schedule calculated and determined by the Parties and approved by the Corporation. Broward County shall collect a five percent (5%) administrative fee and the Town of Davie shall collect a five percent (5%) percent administrative fee for administration of SHIP Program funds during the first fiscal year of this Interlocal Agreement. This determination is a direct result of the City's preparation of the Local Housing Assistance Plan; however the administrative fee will be negotiable for the second and third fiscal year covered by this Interlocal Agreement. Any change to the administrative fee for the second and/or third fiscal year shall be agreed to by the parties no later than June 1 prior to the commencement of the fiscal year and shall be documented in writing signed by both parties, and become an amendment to this Agreement.

5.5 Broward County shall utilize good faith efforts to recapture SHIP Program funding. Broward County shall place all recaptured and recycled SHIP funds in the Affordable Housing Assistance Trust Fund. Recaptured and recycled SHIP funding shall be allocated to SHIP strategies as collectively determined by the parties and shall be restricted for expenditure within the boundaries of the local governmental jurisdiction from which the recaptured or recycled funds originated.

6. County will ensure that SHIP funds disbursed from the Affordable Housing Assistance Trust Fund are at all times expended in accordance with the Act's requirements, provide income verification and certification for all applicants for SHIP funding assistance, monitor and determine applicant eligibility and the amount of SHIP funding assistance pursuant to the Act's guidelines, and coordinate all administrative functions between the Parties. County shall provide the Town with a monthly tracking log evidencing each strategy expenditure made by County on the Town's behalf.

7. Modification of Agreement. This Agreement may be modified by resolution(s) of the parties adopting a written amendment of this Agreement. As required by the Act, or other applicable law, amendments to the program or this Agreement shall not become effective until following review and approval required by the Act.

8. Term and Termination of Agreement.

8.1 Term of Agreement. Unless earlier terminated pursuant to other provisions of this Agreement, the term of this Agreement shall run concurrently with the distribution of monies pursuant to the Act. For so long as this Agreement remains effective, the Parties agree that they will not do anything to jeopardize the other party's right to receive its distributions pursuant to the Act.

8.2 Termination of Agreement. At any time during the term of this Agreement, the Town or the County may provide one hundred eighty (180) calendar days advance written notice of the termination of this Agreement. In the event of a notice of termination, this Agreement shall terminate and be of no further force or effect as to either party on the one hundred eightieth (180) calendar day following the non-noticing party's receipt of the termination notice; provided, however, that all Program funds encumbered by the County prior to the date of termination shall continue to be payable to the County pursuant to the terms of such encumbrance(s). In the event of a termination, the Parties agree to mutually advise the Corporation of the termination of this Agreement, and to provide for the continued orderly payment of those funds to be distributed pursuant to the Act necessary to fulfill outstanding encumbrances, if any. In the event of a termination of this Agreement, the distribution and allocation of unencumbered funds to the County and the Town shall be pursuant to the requirements of the Act.

9. Interpretation. The language of this Agreement has been agreed to by both parties to express their mutual intent and no rule of strict construction shall be applied against either party. The headings contained in this Agreement are for reference purposes only and do not affect in any way the meaning or interpretation of this Agreement.

10. Notices. Whenever either party desires to give notice unto the other, such notice must be in writing, sent by registered United States mail, return receipt requested, addressed to the party for who it is intended at the place specified below. The place for giving of notice shall remain the same until it shall have been changed by written notice in compliance with the provision of this paragraph. For the present, the parties designate the following as the respective place for giving of notice:

FOR BROWARD COUNTY:

With copy to:

Director
Office of Housing Finance
110 NE Third Street, Ste #300
Ft. Lauderdale, Florida 33301

Office of County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, FL 33301

FOR THE TOWN OF DAVIE

With copy to:

Town of Davie, Director
Housing & Community Development
4700 SW 64th Avenue, Suite D
Florida 33314

James Cherof, Esq.
Gorn Cherof Doody Ezrol, PA
099 East Commercial Boulevard Davie,
Fort Lauderdale, Florida

11. Effective Date. The effective date of this Agreement shall be the date upon which the parties have approved this Agreement.

12. Liability. Nothing is intended to serve as a waiver of sovereign immunity by any party to which sovereign immunity may be applicable. Nothing shall be construed as consent by a state agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of this Agreement or any other contract. All parties are state agencies or political subdivisions of the State of Florida as defined in Section 768.28, Florida Statutes, and agree to be fully responsible for acts and omissions of its agents or employees to the extent permitted by law.

13. Limitations of Agreement. It is not the intent of this agreement to change the jurisdiction of the parties in any manner except as specifically provided. All other policies, rules, regulations and ordinances of the parties will continue to apply as to properties located within the jurisdictional boundaries of each party.

14. Filing of Interlocal Agreement. Pursuant to the provisions of Section 163.01 (11), Florida Statute, this Interlocal Agreement shall be filed with the Clerk of the Circuit Court in and for Broward County, Florida.

15. Employee Status. Persons employed by either party in the performance of services and functions pursuant to this Agreement shall not be deemed to be employees of the other party nor shall they have any claim to pension, worker's compensation, civil service or other employee rights or privileges granted by the other party to its officers and employees.

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IN WITNESS WHEREOF, the parties have made and execute Agreement on the respective dates under each signature: Broward County through its Board of County Commissioners, signing by and through Mayor or Vice Mayor, authorized to execute same by Board action of day of _____, 20__, by the Town of Davie, signing through its Mayor, authorized to execute same by action of the Town Council on the _____ day of _____, 2007.

COUNTY

ATTEST:

County Administrator and Ex-Officio
Clerk of the Board of County Commissioners
Of Broward County, Florida

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

By _____
Josephus Eggelletion, Mayor

_____ day of _____, 2007.

Approved as to form by Office of County
Attorney, Broward County, Florida
Jeffery J. Newton
Governmental Center, Suite #423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____
A. Dennis Sagerholm, Esq.

Dated:_____

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TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Herb Hyman/797-1016

PREPARED BY: Herb Hyman/797-1016

SUBJECT: Resolution

AFFECTED DISTRICT: n/a

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND FIRST AMERICAN TELECOMMUNICATIONS FOR PAY TELEPHONES.

REPORT IN BRIEF: The Town Council awarded a contract to First American Telecommunications for pay telephones by Resolution R-2003-88. The initial contract period was three (3) years with options to extend the contract for seven (7) additional one (1) year periods. The Town Council approved the first one (1) year extension by Resolution R-2006-82. The current contract period is scheduled to expire on April 2, 2007. The cost to have each phone in place is \$47.50/month less revenues. So, for example, if a telephone takes in \$20.00, the Town would pay the vendor \$27.50 for that telephone. The Town has seven (7) payphones under this contract. The payphones are located at: Betty Booth Roberts Park, Davie Police Building, Town Hall, Potter Park, Bergeron Arena, Pine Island Park- Pool Building, and Pine Island Park-Bamford Sports Complex. None of the phones has ever taken in more than \$47.50 in a month. The attached spreadsheet shows the cost to the Town for the twelve month period between February 2006 through January 2007. The Town's feeling (at least to this point) has been that the payphones serve a public need. If approved, the extension would cover the period of April 3, 2007 through April 2, 2008.

PREVIOUS ACTIONS: R-2003-88, R-2006-82

CONCURRENCES: n/a

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: \$332.50/month less revenues

Account Name: Operating budget of using departments

Additional Comments: n/a

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s):

Letter from vendor dated March 7, 2007

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN AND FIRST AMERICAN TELECOMMUNICATIONS FOR PAY TELEPHONES.

WHEREAS, the Town awarded a three (3) year contract with seven (7) one (1) year extensions to First American Telecommunications for pay telephones by Resolution R-2003-88; and

WHEREAS, the Town Council approved the first one year extension of said contract by Resolution R-2006-82; and

WHEREAS, the current contract is scheduled to expire on April 2, 2007; and

WHEREAS, the terms and conditions of the contract allow for a one year extension by mutual agreement of the parties; and

WHEREAS, the Town and the contractor desire to extend the contract for an additional year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council approves the one year extension of the contract with First American Telecommunications for pay telephones covering the period of April 3, 2007 through April 2, 2008.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007



www.firstamericantelecom.com

1800 West Broward Blvd.
FORT LAUDERDALE, FLORIDA 33312
PHONE: (954) 524-9999
FACSIMILE: (954) 524-3414

March 7, 2007

Town of Davie
Attn: Herb Hyman
Davie, Fl

Dear Mr. Hyman:

Pursuant to our discussion and current agreement, we would like to exercise our option to extend our pay telephone license agreement with the Town of Davie.
We look forward to continuing our relationship with your Town.
Please contact us at (954) 524-9999 xt. 28 with any questions and we will gladly assist you.

Sincerely,

A handwritten signature in cursive script that reads "Guy Thomas Stremack".

Guy Stremack
Vice President and General Counsel.

cc: Goran Dragolsavic, President
City Manager, Town of Davie
Legal Department, Town of Davie

First American TeleCommunications Invoice

| Betty Booth Park | Davie Police | Davie Town Hall | Potter Park | Rodeo Arena | Pine Island Building | Pine Island Park |
|---------------------|-----------------|--------------------|-----------------|-----------------|-------------------------|---------------------|
| \$36.50 | \$16.80 | \$9.15 | \$38.95 | \$25.50 | \$16.35 | \$10.45 |
| \$38.85 | \$21.75 | \$11.70 | \$42.15 | \$46.15 | \$34.75 | \$34.80 |
| \$36.25 | \$16.35 | \$14.00 | \$36.95 | \$42.15 | \$35.95 | \$38.10 |
| \$36.80 | \$36.20 | \$27.80 | \$38.75 | \$37.95 | \$34.75 | \$32.90 |
| \$35.95 | \$15.95 | \$12.40 | \$37.50 | \$44.25 | \$24.00 | \$33.20 |
| \$31.00 | \$17.15 | \$20.30 | \$36.15 | \$42.95 | \$34.45 | \$34.95 |
| \$28.85 | \$36.80 | \$14.10 | \$37.95 | \$45.25 | \$38.10 | \$39.25 |
| \$26.40 | \$34.90 | \$21.70 | \$36.95 | \$37.00 | \$30.70 | \$35.60 |
| \$20.00 | \$28.95 | \$22.30 | \$27.40 | \$28.50 | \$35.45 | \$33.65 |
| \$23.10 | \$16.10 | \$31.00 | \$35.95 | \$45.15 | \$26.30 | \$37.15 |
| \$28.80 | \$17.15 | \$17.25 | \$47.50 | \$44.25 | \$36.45 | \$30.70 |
| \$24.20 | \$26.30 | \$20.35 | \$37.50 | \$41.95 | \$37.45 | \$32.10 |
| \$366.70 | \$284.40 | \$222.05 | \$453.70 | \$481.05 | \$384.70 | \$392.85 |

Total Cost All Phones for Last 12 Months = \$2585.45

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Bonnie Stafiej, Special Projects Director, 797-1163

PREPARED BY: Bonnie Stafiej, Special Projects Director, 797-1163

SUBJECT: Resolution

AFFECTED DISTRICT: All

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN AND ZAMBELLI FIREWORKS, MANUFACTURING CO., INC. d/b/a ZAMBELLI FIREWORKS INTERNATIONALE FOR AN INDEPENDENCE DAY FIREWORKS DISPLAY.

REPORT IN BRIEF: The Town conducted an informal bid and awarded a contract for an Independence Day fireworks display to Zambelli Fireworks Manufacturing Co., Inc. d/b/a Zambelli Fireworks Internationale. The contract is scheduled to expire on July 3, 2008; the terms and conditions of the contract allow for a one year extension by mutual agreement of the parties. The Town and the contractor desire to extend the contract for an additional year. Budgeted dollars for this event are in account number 001-0808-572-0502.

PREVIOUS ACTIONS: Zambelli Fireworks Manufacturing Co., Inc. d/b/a Zambelli Fireworks Internationale has supplied fireworks for the Town of Davie in past years. Zambelli Fireworks Internationale has always produced safe, incident free shows. Residents have always expressed enjoyment and praise after the show.

CONCURRENCES: N/A

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: \$20,000

Account Name: 001-0808-572-0502

RECOMMENDATION(S): Motion to Approve Resolution

Attachment(s):

- 1) Resolution,
- 2) Letter of extension agreement Town of Davie
- 3) Letter of extension agreement Zambelli Fireworks

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN AND ZAMBELLI FIREWORKS, MANUFACTURING CO., INC. d/b/a ZAMBELLI FIREWORKS INTERNATIONALE FOR AN INDEPENDENCE DAY FIREWORKS DISPLAY.

WHEREAS, the Town conducted an informal bid and awarded a contract for an Independence Day fireworks display to Zambelli Fireworks Manufacturing Co., Inc. d/b/a Zambelli Fireworks Internationale; and

WHEREAS, the contract is scheduled to expire on July 4, 2007; and

WHEREAS, the terms and conditions of the contract allow for a one year extension by mutual agreement of the parties; and

WHEREAS, the Town and the contractor desire to extend the contract for an additional year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council approves the one year extension of the contract with Zambelli Fireworks Manufacturing Co., Inc. d/b/a Zambelli Fireworks Internationale for an Independence Day fireworks display covering the period of July 4, 2007 through July 3, 2008.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007

MEMORANDUM

SPECIAL PROJECTS

TO: Herb Hyman, Purchasing Department

FROM: Bonnie Stafiej, Special Projects Director

DATE: March 12, 2007

SUBJECT: July 4th Fireworks for Independence Day

The Town of Davie had requested bids for fireworks for the Annual Independence Day Celebration in the year 2004. The contract was awarded to Zambelli International. The contract has an option of renewal based on the mutual agreement of both parties. The Town of Davie and Zambelli International wishes to exercise this clause and extend the agreement to include the July 4th, 2007 Fireworks Show. The cost of the show is \$20,000.00.

My decision to award the bid to Zambelli is based on the excellent past performance of Zambelli International. Please find attached their letter of commitment. If you have any questions, please contact Bonnie Stafiej, Director of Special Projects at 797-1163.



Thursday, March 08, 2007

Bonnie Stafiej
Town of Davie
6591 Orange Drive
Davie, FL 33314



Dear Bonnie:

This is to confirm that Zambelli Internationale Fireworks agrees to extend our contract with the Town of Davie for the July 4, 2007 fireworks display.

Should you have any questions on this please give me a call (800) 860-0955

Thank you and Best Wishes!

Sincerely,

ZAMBELLI FIREWORKS MFG. CO., INC.

Danabeth Zambelli
DZ/ae

U.S. CORPORATE
HEADQUARTERS
P.O. BOX 1463
NEW CASTLE, PA
16103
800-245-0397
724-658-6611
724-658-8318 FAX

SOUTHERN REGION
299 NW 52ND TERRACE
SUITE 118
BOCA RATON, FL
33487
800-860-0955
561-395-0955
561-395-1799 FAX

WESTERN REGION
P.O. BOX 986
SHAFTER, CA
93263
800-322-7142
661-746-2842
661-746-2844 FAX

WWW.ZAMBELLIFIREWORKS.COM

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Marcie Nolan, Deputy Planning and Zoning Manager

SUBJECT: Planning Consultants continuing services contract

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND LARUE PLANNING AND MANAGEMENT SERVICES, INC. FOR MISCELLANEOUS PLANNING SERVICES.

REPORT IN BRIEF: The Town Council awarded a contract to Larue Planning and Management Services, Inc. for miscellaneous planning services by Resolution R-2004-77. The initial contract period was two (2) years with options to extend the contract for two (2) additional one (1) year periods. The current contract period is scheduled to expire on April 17, 2006. The terms of the contract allow the Contractor to amend his/her hourly fee rate once per year. The hourly rates have remained in effect for the first two (2) years of the contract. The Contractor is asking for a revision to that hourly fee rate. The principal and comprehensive planner hourly rate was \$125.00 for the first 2 years and will now be \$140.00. The rates have been reviewed and are considered to be reasonable. This contract was extended once last year and the Development Services Department and the vendor wish to exercise the second option to extend the contract for one (1) additional year. If approved, the extension would cover the period of April 18, 2007 through April 17, 2008. This will be the last time the contract can be extended without a formal bid.

PREVIOUS ACTIONS: R-2004-77, R-2006-80

CONCURRENCES:

FISCAL IMPACT: Yes

Has request been budgeted? n/a

If yes, expected cost: The cost will vary on the nature of the planning project assigned.

Account Name: 0403-515-03-06

Additional Comments: The use of the planning consultant occurs on an as needed basis. The various planning projects are included in the budget and a planning consultant may be required to work on the task.

RECOMMENDATION(S): Motion to Approve Resolution

Attachment(s): Resolution, Letter from vendor dated March 2, 2007.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN AND LARUE PLANNING AND MANAGEMENT SERVICES, INC. FOR MISCELLANEOUS PLANNING SERVICES.

WHEREAS, the Town awarded a contract for miscellaneous planning services to Larue Planning and Management Services by Resolution R-2004-77 and renewed the contract by Resolution 2006-80; and

WHEREAS, the contract is scheduled to expire on April 17, 2007; and

WHEREAS, the terms and conditions of the contract allow for a one year extension by mutual agreement of the parties; and

WHEREAS, the Town and the contractor desire to extend the contract for an additional year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council approves the one year extension of the contract with LaRue Planning and Management Services for miscellaneous planning services covering the period of April 18, 2007 through April 17, 2008.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007



LARUE PLANNING & MANAGEMENT SERVICES, Inc.

1375 Jackson Street, Suite 206
Fort Myers, Florida 33901-2845
239-334-3366 • FAX: 239-334-6384
e-mail: info@larue-planning.com
website: larue-planning.com

March 2, 2007

Marcie Nolan, AICP
Deputy Planning and Zoning Director
Town of Davie
6591 Orange Drive
Davie, Florida 33314

RE: Renewal of Contract for Miscellaneous Planning Services

Dear Ms. Nolan:

In response to your request for renewal of our contract for miscellaneous planning services, we are pleased to advise that LaRue Planning & Management Services, Inc. agrees to extend our Contract for Miscellaneous Planning Services with the Town of Davie for a period of one year.

The current contract term ending date of April 21, 2007, will be extended for twelve months to April 21, 2008, incorporating the Fee Schedule attached to this letter, which is labeled "Exhibit A".

Please indicate the Town's acceptance of the updated fee schedule by signing each original letter where indicated, and returning one original to us for our records prior to the expiration of the current agreement. If you require any additional information to present to the Council for approval of the Contract extension, we will provide such information as soon as practicable.

We look forward to continuing our relationship with the Town of Davie.

Very truly yours,

TOWN OF DAVIE

James G. LaRue, AICP
President

By: _____
Title: _____
Date: _____

JGL/vr

Attachment – Exhibit A



LARUE PLANNING & MANAGEMENT SERVICES, Inc.

1375 Jackson Street, Suite 206
Fort Myers, Florida 33901-2845
239-334-3366 • FAX: 239-334-6384
e-mail: info@larue-planning.com
www.larue-planning.com

Exhibit A

Town of Davie Planning Services Fee Schedule

| | |
|---|---------------|
| Principal and Comprehensive Planner | \$140.00/hour |
| Visualization Specialist | \$100.00/hour |
| GIS/Mapping | \$85.00/hour |
| Planning Technician | \$65.00/hour |
| Administrative Support | \$35.00/hour |
| Direct Expenses | |
| Black and white copies, letter or ledger size | \$0.08/page |
| Color copies – letter size | \$1.00/page |
| Color copies – ledger size | \$1.75/page |
| 24" x 36" Black and white Graphics | \$8.50/each |
| 24" x 36" Color Graphics | \$10.00/each |
| 24" x 36" Mylar Plot | \$8.50/each |
| 24" x 36" Vellum Plot | \$4.50/each |
| 24" x 36" Paper Plot | \$4.50/each |
| Shipping/postage | Direct Cost |
| Travel* | |

*Mileage will not be charged for travel to and from the Town of Davie, if travel is required to Tallahassee or to meetings with other regulatory agencies, it will be charged at an agreed upon amount. If overnight trips are required, they will be reimbursed at the direct cost.

Town of Davie
March 2, 2007

1 of 1

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Marcie Nolan, Deputy Planning and Zoning Manager

SUBJECT: Planning Consultants continuing services contract

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND DUNCAN ASSOCIATES FOR MISCELLANEOUS PLANNING SERVICES.

REPORT IN BRIEF: The Town Council awarded a contract to Duncan Associates for miscellaneous planning services by Resolution R-2004-76. The initial contract period was two (2) years with options to extend the contract for two (2) additional one (1) year periods. The current contract period is scheduled to expire on April 17, 2007. The terms of the contract remain unchanged. This contract was extended once last year and the Development Services Department and the vendor wish to exercise the second option to extend the contract for one (1) additional year. If approved, the extension would cover the period of April 18, 2007 through April 17, 2008. This will be the last time the contract can be extended without a formal bid.

PREVIOUS ACTIONS: R-2004-76, R-2006-108

CONCURRENCES:

FISCAL IMPACT: Yes

Has request been budgeted? n/a

If yes, expected cost: The cost will vary on the nature of the planning project assigned.

Account Name: 0403-515-03-06

Additional Comments: The use of the planning consultant occurs on an as needed basis. The various planning projects are included in the budget and a planning consultant may be required to work on the task.

RECOMMENDATION(S): Motion to Approve Resolution

Attachment(s): Resolution, Letter from vendor dated March 12, 2007.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN AND DUNCAN ASSOCIATES FOR MISCELLANEOUS PLANNING SERVICES.

WHEREAS, the Town awarded a contract for miscellaneous planning services to Duncan Associates by Resolution R-2004-76 and renewed the contract by Resolution 2006-108; and

WHEREAS, the contract is scheduled to expire on April 17, 2007; and

WHEREAS, the terms and conditions of the contract allow for a one year extension by mutual agreement of the parties; and

WHEREAS, the Town and the contractor desire to extend the contract for an additional year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council approves the one year extension of the contract with Duncan Associates for miscellaneous planning services covering the period of April 18, 2007 through April 17, 2008.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007

duncan | associates

land development regulations
growth management
impact fees

March 12, 2007

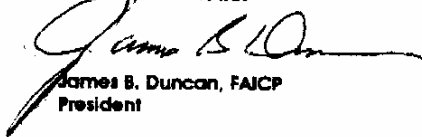
Marle Oppenheimer Nolan, AICP
Deputy Planning and Zoning Manager
Town of Davie
6691 Orange Drive
Davie, FL 33314-3399

Re: Duncan Associates Contract Extension

Per our recent discussions, this letter is intended to convey our request that the Town of Davie extend our current contract (Resolution of the Town of Davie, Florida #R-2004-76) for miscellaneous planning services by (1) year to April 17, 2008. The labor rates contained in the current contract would remain the same.

I hope this request is looked upon favorably by the town. Please feel free to contact me if you have any questions or need to discuss any aspect of our contract.

Very truly yours,
DUNCAN ASSOCIATES



James B. Duncan, FAICP
President

This document contains confidential information and is intended only for the individual named. If you have received this document by mistake, please do not print, copy, retransmit, or otherwise use this information. Please notify the sender immediately if you have received this document by mistake.

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TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Marcie Nolan, Deputy Planning and Zoning Manager

SUBJECT: Planning Consultants continuing services contract

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND ILER PLANNING GROUP FOR MISCELLANEOUS PLANNING SERVICES.

REPORT IN BRIEF: The Town Council awarded a contract to Iler Planning Group for miscellaneous planning services by Resolution R-2004-066. The initial contract period was two (2) years with options to extend the contract for two (2) additional one (1) year periods. The current contract period is scheduled to expire on April 17, 2007. The terms of the contract allow the Contractor to amend his/her hourly fee rate once per year. The hourly rates have remained in effect for the first two (2) years of the contract. The Contractor is asking for a revision to that hourly fee rate. The principal planner hourly rate was \$110.00 for the first 2 years and will now be \$160.00. The rates have been reviewed and are considered to be reasonable. This contract was extended once last year and the Development Services Department and the vendor wish to exercise the second option to extend the contract for one (1) additional year. If approved, the extension would cover the period of April 18, 2007 through April 17, 2008. This will be the last time the contract can be extended without a formal bid.

PREVIOUS ACTIONS: R-2004-066, R-2006-081

CONCURRENCES:

FISCAL IMPACT: Yes

Has request been budgeted? n/a

If yes, expected cost: The cost will vary on the nature of the planning project assigned.

Account Name: 0403-515-03-06

Additional Comments: The use of the planning consultant occurs on an as needed basis. The various planning projects are included in the budget and a planning consultant may be required to work on the task.

RECOMMENDATION(S): Motion to Approve Resolution

Attachment(s): Resolution, Letter from vendor dated March 5, 2007.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN AND IDLER PLANNING GROUP FOR MISCELLANEOUS PLANNING SERVICES.

WHEREAS, the Town awarded a contract for miscellaneous planning services to Idler Planning Group by Resolution R-2004-066 and renewed the contract by Resolution 2006-081; and

WHEREAS, the contract is scheduled to expire on April 17, 2007; and

WHEREAS, the terms and conditions of the contract allow for a one year extension by mutual agreement of the parties; and

WHEREAS, the Town and the contractor desire to extend the contract for an additional year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council approves the one year extension of the contract with Idler Planning Group for miscellaneous planning services covering the period of April 18, 2007 through April 17, 2008.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007



March 5, 2007

Marcie Oppenheimer Nolan, AICP
Deputy Planning & Zoning Manager
Town of Davie
6591 Orange Drive
Davie, Florida 33314-3399

RE: IPG CONTRACT EXTENSION

Dear Ms. Oppenheimer Nolan:

This letter is intended to convey our request that the Town of Davie extend our current contract for planning and development review services by one (1) year to April 7, 2008. Attached please find our current professional rates.

I hope this request is looked upon favorably. It has been a pleasure to serve the Town and we sincerely appreciate the opportunity to continue working to meet your planning needs. Please let us know if you have any questions or to discuss any aspect of this contract.

Most sincerely,

A handwritten signature in black ink, appearing to read 'H. Iler', followed by a circular flourish.

Henry B. Iler, AICP
President/Principal

HARBOUR POINT PLAZA
11000 Prosperity Farms Road, Suite 206
Palm Beach Gardens, FL 33410

Phone 561 626 7067 x 101
Fax 561 626 5292
henry@ipgplan.com
www.ipgplan.com

2007 PROFESSIONAL FEES

| | |
|----------------------------|------------|
| Principal/Project Manager | \$ 210/hr. |
| Principal Planner | \$ 160/hr. |
| Senior Planner | \$ 142/hr. |
| Assistant Planner | \$ 110/hr. |
| Graphic Designer/Marketing | \$ 124/hr. |
| Clerical/Administration | \$ 90/hr. |

Fees do not include reimbursable expenses including additional reproduction (>2 copies), public notice requirements, travel expenses outside Broward/Palm Beach County area and postage. All travel expenses within Broward/Palm Beach County are included in above labor rates.

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Herb Hyman/797-1016

PREPARED BY: Herb Hyman/797-1016

SUBJECT: Resolution

AFFECTED DISTRICT: n/a

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRMS OF CPZ ARCHITECTS, INC. AND ACAI ASSOCIATES, INC. TO PROVIDE MISCELLANEOUS ARCHITECTURAL SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AGREEMENTS FOR SUCH SERVICES.

REPORT IN BRIEF: The Town solicited competitive sealed proposals for miscellaneous architectural services for projects which fall into the category of “continuing services” as defined by F.S.S. 287.055. RFP documents were sent to thirty (30) prospective proposers. Additionally, the bid was advertised state-wide in Florida Bid Reporting and nationally in BidNet and also posted on the Town’s web site. The Town received ten (10) proposals. The selection committee short listed the top four proposers to make an oral presentation. Following oral presentations, the selection committee ranked the firms. The selection committee recommends negotiating contracts with the top two firms. By establishing contracts with two firms, the Town can be assured that all projects schedules will be accommodated. The recommendation is for CPZ Architects, Inc. and ACAI Associates, Inc. as the top ranked firms in accordance with the ranking totals attached hereto. The initial term of the contracts is two (2) years with an option to extend the contract for an additional two (2) year term by mutual agreement of the parties. Extensions, if appropriate, will be handled administratively by staff subject to budgetary approval by the Town Council

PREVIOUS ACTIONS: Not applicable

CONCURRENCES: CPZ Architects, Inc. and ACAI Associates, Inc. were chosen by the selection committee.

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: To be negotiated

Account Name: Various Capital Projects Accounts

Additional Comments: n/a

RECOMMENDATION(S): Motion to approve resolution

Attachment(s):

Procurement Authorization form

Selection Committee Rankings

Incorporation information for each firm

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRMS OF CPZ ARCHITECTS, INC. AND ACAI ASSOCIATES, INC. TO PROVIDE MISCELLANEOUS ARCHITECTURAL SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AGREEMENTS FOR SUCH SERVICES.

WHEREAS, the Town is in need of miscellaneous architectural services for projects that will fall into the category of "continuing services" as defined by F.S.S. 287.055; and

WHEREAS, the Town solicited sealed proposals for such architectural services; and

WHEREAS, the selection committee has selected CPZ Architects, Inc. and ACAI Associates, Inc. as the two firm best qualified to provide the required services; and

WHEREAS, it is in the Town's best interest to execute contracts for such services.
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby accept the selection of CPZ Architects, Inc. and ACAI Associates, Inc. as the two firm best qualified to provide the required services and authorizes the Town Administrator or his designee to negotiate agreements for such services and present those contracts for approval at a future meeting date. Should no agreement be reached with either ranking firm, then the Town Administrator or his designee shall negotiate with the next ranked firm and present that agreement for approval.

SECTION 2. The initial contract term is two (2) years with an option to extend the contract for an additional two (2) year term by mutual agreement of the parties. Contract extensions, if appropriate, will be handled administratively by staff subject to budgetary approval by the Town Council.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007

TOWN OF DAVIE PROCUREMENT AUTHORIZATION

| | | |
|--------------------------------------|--------------------------------------|------------------------------------|
| ACCOUNT NUMBER. | BUDGET ITEM & DESCRIPTION | APPROXIMATE COST |
| Operating Budget of using Department | Architectural Services | Dependent on amount of the project |

METHOD OF PROCUREMENT (check the one that applies)

☐ Open Competitive Bidding
☐ Piggyback on Contract Number _____
☐ Sole Source
☒ Request For Proposals

SPECIFICATIONS & LIST OF VENDORS MUST BE ATTACHED

Signed *Daniel J. Lyke*
 Department Head
 Have Funds been Reserved NO AMOUNT OR
NOT SPECIFIED
 Date 12/28/06 Signed *[Signature]*
 Signed *Darryl Shuman*
 Town Administrator

| VENDOR | BIDS SUBMITTED | COST |
|---------------------------------------|----------------|------------|
| CP2 ARCHITECT, INC. | | RANKED 1ST |
| ACAI ASSOCIATES, INC. | | RANKED 2ND |
| WALTERS ZACHARIA ASSOCIATES | | RANKED 3RD |
| SINGER ARCHITECTS | | RANKED 4TH |
| CETS | | NOT RANKED |
| MORDECAI ROSENSTEIN ARCHITECT, INC. | | NOT RANKED |
| RHGA ARCHITECTURE, INC. | | NOT RANKED |
| GLE ASSOCIATES, INC. | | NOT RANKED |
| THE RUSSELL PARTNERSHIP | | NOT RANKED |
| BEISWENGER, HOCH AND ASSOCIATES, INC. | | NOT RANKED |

Signed *Nicole Shuman*
 Procurement Manager

| BID SPECIFICATION COMMITTEE'S RECOMMENDATION | |
|--|------------|
| Vendor | Cost |
| CP2 ARCHITECT, INC. | RANKED 1ST |
| ACAI ASSOCIATES, INC. | RANKED 2ND |

| | A | B | C | D | E |
|----|------------------|---------------------|------------------------|-------------------|--------------------|
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | ARCHITECTURAL SERVICES | | |
| 4 | | | | | |
| 5 | | | | | |
| 6 | COMMITTEE MEMBER | WALTERS ZACHARIA | SINGER ARCHITECTS | CPZ ARCHITECTS | ACAI ASSOCIATES |
| 7 | | | | | |
| 8 | | | | | |
| 9 | C. MENKE | 3 | 4 | 1 | 2 |
| 10 | R. MUNIZ | 2 | 3 | 1 | 4 |
| 11 | M. KUTNEY | A | BSE | T | |
| 12 | L. PETERS | 3 | 4 | 1 | 2 |
| 13 | E. DESIMONE | 2 | 3 | 1 | 4 |
| 14 | H. HYMAN | 4 | 3 | 1 | 2 |
| 15 | | | | | |
| 16 | TOTAL | 14 | 17 | 5 | 14 |
| 17 | | | | | |
| 18 | RANKING | 3 RD | 4 TH | 1 ST | 2 ND |
| 19 | | | | | |

TIE-BREAKER

C. MENKE - ACAI
R. MUNIZ - WALTERS
L. PETERS - ACAI
E. DESIMONE - WALTERS
H. HYMAN - ACAI

ACAI wins TIE-BREAKER
3-2

**Request for Taxpayer
Identification Number and Certification**

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

| | |
|--|--|
| Name (as shown on your income tax return) CPZ Architects, Inc. | |
| Business name, if different from above | |
| Check appropriate box: <input type="checkbox"/> Individual/ Sole proprietor <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶ | <input type="checkbox"/> Exempt from backup withholding |
| Address (number, street, and apt. or suite no.) 4316 West Broward Boulevard | Requester's name and address (optional) |
| City, state, and ZIP code Plantation, Florida 33317 | |
| List account number(s) here (optional) | |

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

| | | | | | | | | |
|--------------------------------|---|---|---|---|---|---|---|---|
| Social security number | | | | | | | | |
| | | | | | | | | |
| or | | | | | | | | |
| Employer identification number | | | | | | | | |
| 5 | 7 | 1 | 1 | 4 | 0 | 0 | 5 | 5 |

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

| | | | | | |
|------------------|----------------------------|-----------------|--|--------|--------|
| Sign Here | Signature of U.S. person ▶ | Chris Zimmerman | Digitally signed by Chris Zimmerman DN: CN = Chris Zimmerman, C = US, O = CPZ Architects, Inc. Date: 2006.03.28 14:52:56 -0500 | Date ▶ | 2/6/07 |
|------------------|----------------------------|-----------------|--|--------|--------|

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or

- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

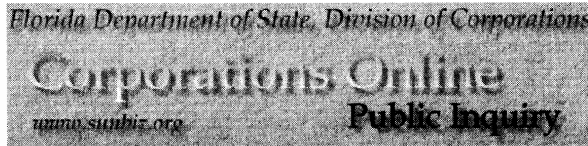
Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien.

Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

- The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
- The treaty article addressing the income.
- The article number (or location) in the tax treaty that contains the saving clause and its exceptions.



Florida Profit**CPZ ARCHITECT, INC.**

PRINCIPAL ADDRESS
4316 W BROWARD BLVD
PLANTATION FL 33317
Changed 05/01/2006

MAILING ADDRESS
4316 W BROWARD BLVD
PLANTATION FL 33317
Changed 05/01/2006

Document Number
P02000128253

FEI Number
571140055

Date Filed
12/02/2002

State
FL

Status
ACTIVE

Effective Date
NONE

Last Event
NAME CHANGE
AMENDMENT

Event Date Filed
05/27/2003

Event Effective Date
NONE

Registered Agent

| Name & Address |
|---|
| MODAS, DANIEL A 1215 SE 2 AVE #202 FT LAUDERDALE FL 33335 |

Officer/Director Detail

| Name & Address | Title |
|---|-------|
| ZIMMERMAN, CHRIS P 1961 SW 68 AVE PLANTATION FL 33317 | DP |

<http://www.sunbiz.org/scripts/cordet.exe?a1=DETFILE&n1=P02000128253&n2=NAMFW...> 3/15/2007

Annual Reports

| Report Year | Filed Date |
|-------------|------------|
| 2004 | 04/21/2004 |
| 2005 | 04/25/2005 |
| 2006 | 05/01/2006 |

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Document Images

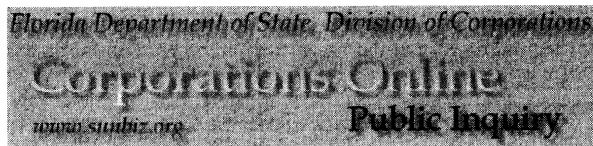
Listed below are the images available for this filing.

[05/01/2006 -- ANNUAL REPORT](#)
[04/25/2005 -- ANNUAL REPORT](#)
[04/21/2004 -- ANNUAL REPORT](#)
[05/27/2003 -- Name Change](#)
[04/30/2003 -- Name Change](#)
[04/23/2003 -- ANNUAL REPORT](#)
[12/02/2002 -- Domestic Profit](#)

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[Corporations Inquiry](#)[Corporations Help](#)

<http://www.sunbiz.org/scripts/cordet.exe?a1=DETFIL&n1=P02000128253&n2=NAMFW...> 3/15/2007



Florida Profit

ACAI ASSOCIATES, INC.

PRINCIPAL ADDRESS
 2937 W. CYPRESS CREEK ROAD
 200
 FT. LAUDERDALE FL 33309
 Changed 01/05/2005

MAILING ADDRESS
 2937 W. CYPRESS CREEK ROAD
 200
 FT. LAUDERDALE FL 33309
 Changed 01/05/2005

Document Number
 H39075

FEI Number
 650020223

Date Filed
 01/22/1985

State
 FL

Status
 ACTIVE

Effective Date
 NONE

Last Event
 NAME CHANGE
 AMENDMENT

Event Date Filed
 02/17/1986

Event Effective Date
 NONE

Registered Agent

| Name & Address |
|--|
| COTILLA, ADOLFO J JR. 2937 W. CYPRESS CREEK ROAD 200 FT LAUDERDALE FL 33309 |
| Name Changed: 10/18/1996 |
| Address Changed: 01/05/2005 |

Officer/Director Detail

| Name & Address | Title |
|----------------------|-------|
| COTILLA, ADOLFO J JR | |

<http://www.sunbiz.org/scripts/cordet.exe?a1=DETFIL&n1=H39075&n2=NAMFWD&n3=...> 3/15/2007

| | |
|--|-----|
| 2937 W CYPRESS CREEK RD SUITE 200 FT LAUDERDALE FL 33309 | PSD |
| COTILLA, MARISELA 2937 W CYPRESS CREEK RD SUITE 200 FT LAUDERDALE FL 33309 | VT |
| SUAREZ, MARIO A 4869 SW 75 AVE MIAMI FL 33155 | V |
| SIEGLE, JEFFREY L 2937 W CYPRESS CREEK RD STE 200 FT LAUDERDALE FL 33309 | V |
| HOHMANN, GEORGE H 2937 W CYPRESS CREEK RD STE 200 FORT LAUDERDALE FL 33309 | V |
| RAMUDO, PATRICIA 2937 W CYPRESS CREEK RD STE 200 FT LAUDERDALE FL 33309 | V |

Annual Reports

| Report Year | Filed Date |
|-------------|------------|
| 2005 | 01/05/2005 |
| 2006 | 03/07/2006 |
| 2007 | 01/25/2007 |

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Document Images

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[01/25/2007 -- ANN REP/UNIFORM BUS REP](#)
[03/07/2006 -- ANN REP/UNIFORM BUS REP](#)
[01/05/2005 -- ANNUAL REPORT](#)
[03/09/2004 -- ANN REP/UNIFORM BUS REP](#)
[02/17/2003 -- COR - ANN REP/UNIFORM BUS REP](#)
[03/18/2002 -- COR - ANN REP/UNIFORM BUS REP](#)
[01/30/2001 -- ANN REP/UNIFORM BUS REP](#)
[01/25/2000 -- ANN REP/UNIFORM BUS REP](#)
[03/17/1999 -- ANNUAL REPORT](#)
[05/15/1998 -- ANNUAL REPORT](#)
[05/19/1997 -- ANNUAL REPORT](#)
[04/08/1996 -- 1996 ANNUAL REPORT](#)

<http://www.sunbiz.org/scripts/cordet.exe?a1=DETFIL&n1=H39075&n2=NAMFWD&n3=...> 3/15/2007

01/24/1995 -- Annual Report

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Corporations Inquiry

Corporations Help

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TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Gary P. Shimun, Town Administrator
PREPARED BY: Russell C. Muniz,CMC, Town Clerk
SUBJECT: Resolution

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A RELEASE OF LIEN RELEASING A SECURITY LIEN TO SECURE THE REQUIRED SUBDIVISION IMPROVEMENTS FOR THE DASILVA PLAT; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: On January 3RD, 1998, Council entered into an agreement with Jose and Maria DaSilva relating to subdivision improvements. The Engineering Department has indicated that the DaSilva's did not develop the property and therefore the agreement should be nullified. Further, Sunshine State Builders, Inc. is developing the property, and the Engineering Department indicates that they have posted the required letters of credit.

PREVIOUS ACTIONS: Council approved resolution R-98-198 on June 3rd, 1998

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Motion to approve the resolution

Attachment(s): Resolution, memorandum from Engineering, Resolution R-97-31

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A RELEASE OF LIEN RELEASING A SECURITY LIEN TO SECURE THE REQUIRED SUBDIVISION IMPROVEMENTS FOR THE DASILVA PLAT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 3, 1998, Council entered into an agreement with Jose and Maria DaSilva relating to subdivision improvements; and

WHEREAS, the Engineering Department has indicated that the DaSilvas' never developed the property and therefore the previous agreement should be nullified; and

WHEREAS, the Engineering Department advises that Sunshine State Builders, Inc. is now developing the property and has posted the required letters of credit.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council hereby authorizes the appropriate Town officials to execute a Release of Lien, for purposes of releasing any liens which may have resulted from the agreement recorded July 20, 1998, in O.R. Book 28590, Page 0715, of the Public Records of Broward County, Florida.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

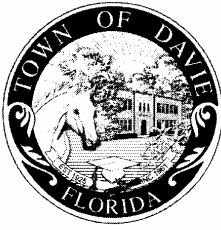
PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007

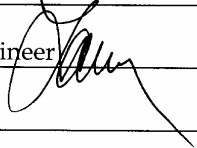


DEVELOPMENT SERVICES DEPARTMENT
ENGINEERING DIVISION

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
PHONE: 954.797.1113 • FAX: 954.797.1086 • WWW.DAVIE-FL.GOV

Memorandum

TO: Russell Muniz, Town Clerk

FROM: Larry A. Peters, P.E., Town Engineer 

SUBJECT: Release of Lien for DaSilva Plat

DATE: March 5, 2007

In response to several calls for release of Lien on the DaSilva Plat, Engineering investigated and found Resolution 98-198 which provided that the DaSilva's submit an agreement for a lien for the security to secure required improvements for the DaSilva Plat. The agreement was recorded on 07-20-98 in Book 28590, page 0715.

This agreement should be nullified by resolution since the DaSilva's did not develop the property.


The current developer of the property is Sunshine State Builders, Inc. and they have posted the required letters of credit.

TOWN OF DAVIE
OFFICE OF THE TOWN ADMINISTRATOR

MEMORANDUM

AEM026-98

TO: Chris Wallace, Budget & Finance Director

FROM: Robert D. Rawls, Assistant Town Administrator 

DATE: July 20, 1998

SUBJECT: DaSilva Plat Letters of Credit

This office has no objection to the release and return of the following letters of credit for the DaSilva Plat:

#52-285 American Bank of Hollywood \$57,700.00

#52-287 American Bank of Hollywood \$20,196.00

A lien agreement has been approved by Town Council for the required plat improvements.

RESOLUTION R-98-198

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND JOSE DASILVA AND MARIA C. DASILVA RELATING TO THE PROVISION OF A LIEN FOR THE SECURITY TO SECURE THE REQUIRED SUBDIVISION IMPROVEMENTS FOR THE DASILVA PLAT; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT.

WHEREAS, Jose DaSilva and Maria C. DaSilva desire to submit a lien for the security to secure the required subdivision improvements for the DaSilva Plat; and

WHEREAS, the Agreement attached hereto as Exhibit "A" satisfies the requirements for installation of required improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby authorize the appropriate Town officials to enter into an Agreement, attached hereto as Exhibit "A", between Jose DaSilva and Maria C. DaSilva and the Town of Davie; providing for a property lien security to secure the required subdivision improvements.


SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 3rd DAY OF JUNE, 1998.



MAYOR/COUNCILMEMBER

ATTEST:



TOWN CLERK

APPROVED THIS 3rd DAY OF JUNE, 1998.

Prepared By and
ReturnTo:
Robert D. Rawls
Town of Davie
Town Clerk's Office
6591 Orange Drive
Davie, Florida 33314

AGREEMENT

Between
TOWN OF DAVIE, FLORIDA
and
JOSE DASILVA AND MARIA C. DASILVA
RELATING TO
PLAT IMPROVEMENTS
for
DASILVA PLAT

This is an agreement ("Agreement") between: TOWN OF DAVIE, FLORIDA, a municipal corporation of the State of Florida, its successors and assigns, hereinafter referred to as "TOWN", through its Board of Town Council Members,

AND

JOSE DASILVA AND MARIA C. DASILVA, individuals, their grantees, successors in interest, and assigns, hereinafter referred to as "OWNER".

WITNESSETH

WHEREAS, the Plat known as "DASILVA PLAT" was approved by the TOWN on July 30, 1990.

WHEREAS, the TOWN requires that security to insure completion of the construction of the subdivision improvements relating to water, sewer, drainage and road construction shall be provided to the TOWN prior to the issuance of a permit for the installation of Plat Improvements.

WHEREAS, this Agreement intends to create a lien as security for the completion of said Plat Improvements.

NOW, THEREFORE, in consideration of the mutual terms, conditions, promises and covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, TOWN and OWNER hereby agree as follows:

1. Improvements. The OWNER hereby agrees to construct the improvements defined in Exhibit "A" /A1" & "A 2" ~~prior to 5/1/2003~~ ("Completion Date") in conformance with TOWN standards and subject to TOWN inspections.

The Plat Improvements described in this paragraph shall be installed in accordance with applicable TOWN and State of Florida standards and specifications. Construction shall be subject to inspection and approval by the TOWN and other applicable governmental entities, if any.

Certificate of Occupancy shall not be issued for structures until Plat improvements have been completed.

2. Creation of Lien. This Agreement shall be recorded in the Official Records of Broward County, Florida, and hereby creates a lien in favor of the Town of Davie, Florida, against that real property described in Exhibit "B" attached hereto and made a part hereof ("Lien Parcel"), for the purpose of securing to the TOWN the performance of the Plat Improvements obligations contained in Section 1 herein. Should the OWNER fail to complete construction of a Plat Improvement listed in Section 1 herein by the time therein, then, in that event, OWNER shall be deemed in default under this Agreement and the amount specified in Exhibits "A", "A-1" & "A-2" or the particular Plat Improvement and the amounts specified in Exhibit "A", "A-1" & "A-2" for all other Plat Improvements in any phase not then completed may be foreclosed or otherwise enforced by the TOWN in the same manner as a foreclosure of a mortgage on real property; provided, however, that in the event of any such default by OWNER, TOWN shall give written notice to OWNER and any mortgage holder of such default, and OWNER and/or mortgage holder shall have thirty (30) days from receipt of such written notice in which to cure, or commence to cure, and thereafter, one hundred and eighty (180) days to complete the Plat Improvement.

- (a) The lien of any mortgagee on the real property described in Exhibit "B" shall be subordinate to the rights of the TOWN with respect to the Lien created by this Agreement. The OWNER shall cause this Agreement to be executed by the holder of any such mortgage(s) ("mortgagees") for the sole purpose of consenting to such subordination.

2.

4. NOTICES. The addresses to which any and all notices required or allowed by this Agreement shall be delivered, are as follows:

AS TO TOWN:

Town Administrator
TOWN OF DAVIE
6591 Orange Dr.
Davie, Fl. 33314

COPY TO:

Barry Webber, Esquire
Town Attorney
P.O. Box 8549
Hollywood, Fl. 33024

AS TO OWNER :

Mr. Jose DaSilva
10062 SW 55th Lane
Cooper City, FL 33328

unless the address is changed by the party by like notice given to the other party. Notice shall be in writing, mailed certified mail, return receipt requested, postage prepaid and shall be deemed delivered upon mailing or upon hand delivery to the address indicated.

Notwithstanding the foregoing, notice, requests or demands or other communications referred to in this Agreement may be sent by telegraph or federal express, but shall be deemed to have been given only when received

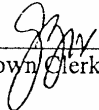
5. Effective Date. The effective date ("Effective Date") of this Agreement shall mean the last day upon which it becomes fully executed by all parties hereto. This Agreement shall not become effective until fully executed.
6. Captions and Paragraph Headings. Captions and paragraph headings contained in this Agreement are for convenience and reference only and in no way define, describe, extend or limit the scope of intent of this Agreement nor the intent of any provisions hereof.
7. No Waiver. No waiver of any provision of this Agreement shall be effective unless it is in writing, signed by the party against whom it is asserted and any such written waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver.

8. Exhibits. All Exhibits attached hereto contain additional terms of this Agreement and are incorporated herein by reference. Typewritten or Handwritten provisions inserted in this agreement or attached hereto shall control all printed provision in conflict therewith.
9. Binding Effect. The benefits and obligations contained in this Agreement shall inure to the benefit of and by binding upon the respective successors and assigns of the parties hereto.
10. Modifications. No claimed modification of this Agreement shall be binding upon either of the parties unless in writing duly executed by the party sought to be charged therewith.
11. Further Assurances. The parties hereby agree to execute, acknowledge and deliver and cause to be done, executed, acknowledged and delivered all such further assignments, transfers and assurances and to perform such acts as shall reasonably be requested of them in order to carry out this Agreement.

AGREEMENT BETWEEN TOWN OF DAVIE AND JOSE DASILVA AND MARIA C. DASILVA TO PLAT IMPROVEMENTS FOR DASILVA PLAT.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: the TOWN, signing by and through its mayor, authorized to executed same by Town Council action on the 3rd day of JUNE, 1998 and OWNER signing by and through its representative duly authorized to executed same.


ATTEST:



Town Clerk

TOWN

TOWN OF DAVIE



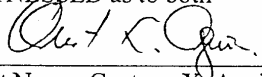
Mayor

3rd day of JUNE, 1998

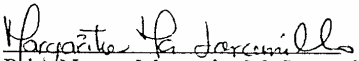
APPROVED AS TO FORM

Town Attorney

WITNESSED as to both

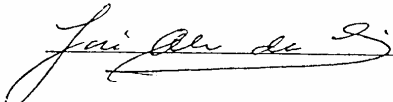


Print Name: Gustavo X. Aguirre

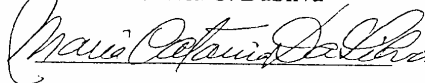


Print Name: Margarita M. Jarramillo

OWNER: Jose DaSilva



OWNER: Maria C. DaSilva

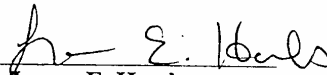


STATE OF FLORIDA)
 SS:
COUNTY OF BROWARD)

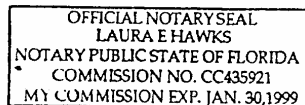
BEFORE ME personally appeared Jose Dasilva and Maria C. DaSilva, his wife, as OWNERS of property platted as DASILVA PLAT, known to me to be the persons described in and who executed the foregoing Agreement and acknowledged to and before me that he executed same for the purposes expressed herein.

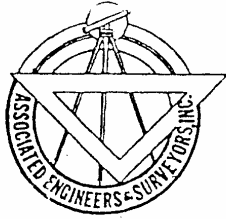
They are personally known to me and they did not take an oath.

Witness my hand and official seal, this 28th day of April, 1998.


By: **Laura E. Hawks**
Notary Public
State of Florida

My Commission expires 1-30-99





ASSOCIATED ENGINEERS & SURVEYORS, INC.

STUDIES, DESIGN, INSPECTION SERVICES, LAND SURVEYING
5450 GRIFFIN ROAD, SUITE B-1, DAVIE, FLORIDA 33314
PHONE (305) 584-6969 FAX# (305) 584-2862

EXHIBIT "A"

DASILVA PLAT
ENGINEERS COST ESTIMATE
PAVING AND GRADING
PROJECT NO. 89-104

| ITEM NO. | DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|----------|--|----------|------|------------|-----------|
| 1. | FURNISH AND INSTALL COMPLETE PAVING AND GRADING OF ROAD INCLUDING STABIL- IZATION OF SUBGRADE, 8" LIME ROCK BASE AND 1" OF ASPHALT | 2,295 | S.Y. | \$8.00 | 18,360.00 |

TOTAL ESTIMATED COST FOR ITEM 1.....\$18,360.00

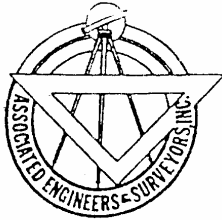
BOND/L.O.C. REQUIRED BY C.B.D.D. = 110% OF ESTIMATED COST
AMOUNT OF BOND/L.O.C. = $18,360 \times 1.1 = \underline{\$20,196.00}$

PREPARED BY: ASSOCIATED ENGINEERS AND SURVEYORS, INC

APPROVED BY: PAUL PEANA, P.E.

DATE: JULY 17, 1991

89-104P.COE



ASSOCIATED ENGINEERS & SURVEYORS, INC.

STUDIES, DESIGN, INSPECTION SERVICES, LAND SURVEYING

5450 GRIFFIN ROAD, SUITE B-1, DAVIE, FLORIDA 33314

PHONE (305) 584-6969

FAX# (305) 584-2862

EXHIBIT "A-1"

DASILVA PLAT
SIDEWALKS, BIKE PATH, ROADWAY LIGHTING, PAVEMENT MARKINGS & SIGNS
PROJECT NO. 89-104

| ITEM NO. | DESCRIPTION | QUANTITY | UNIT | PRICE | AMOUNT |
|----------|--|----------|------|-----------|-----------|
| 1. | FURNISH AND INSTALL 5' WIDE 4" THICK CONCRETE SIDEWALK ALONG BOTH SIDES OF INTERIOR ROADWAY | 1,520 | L.F. | \$7.50 | 11,400.00 |
| 2. | FURNISH AND INSTALL 6' WIDE BIKE PATH, INCLUDING SUBGRADE STABILIZATION, 4" LIME ROCK BASE AND 1" OF ASPHALT | 200 | S.Y. | \$7.00 | 1,400.00 |
| 3. | FURNISH AND INSTALL STREET LIGHTING. 15' POLES INCLUDING LUMINARIES, CONDUITS AND WIRING. | 4 | EA. | \$1000.00 | 4,000.00 |
| 4. | FURNISH AND INSTALL THERMOPLASTIC PAVE- MENT MARKINGS AND HIGH REFLECTIVE SIGNING, INCLUDING 1 STOP SIGN, 13 L.F. OF 24" WHITE STOP BAR, 100 L.F. OF 4" DOUBLE YELLOW LINE AND ONE DEAD END SIGN | 1 | L.S. | L.S. | 707.50 |

TOTAL ESTIMATED COST FOR ITEM 1 THROUGH 4.....\$17,507.50

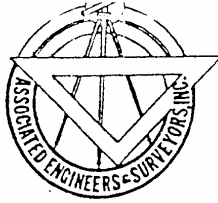
BOND/L.O.C. REQUIRED BY THE TOWN OF DAVIE = 110% OF ESTIMATED
COST. AMOUNT OF BOND/L.O.C. = \$17,507.50 X 1.1 = \$19,258.25

PREPARED BY: ASSOCIATED ENGINEERS AND SURVEYORS, INC

APPROVED BY: PAUL PEANA, P.E.

DATE: October 17, 1991

89-104.COE



ASSOCIATED ENGINEERS & SURVEYORS, INC.

STUDIES, DESIGN, INSPECTION SERVICES, LAND SURVEYING

5450 GRIFFIN ROAD, SUITE B-1, DAVIE, FLORIDA 33314
PHONE (305) 584-6969 FAX# (305) 584-2862

EXHIBIT A-2 Pg 1

DASILVA PLAT
ENGINEERS COST ESTIMATE
WATER AND SEWER FACILITIES
PROJECT NO. 89-104

| ITEM NO. | DESCRIPTION | QUANTITY | UNIT | PRICE | AMOUNT |
|-----------------------------|---|----------|------|----------|--------------|
| WATER SYSTEM | | | | | |
| 1. | FURNISH AND INSTALL 8" PVC C-900 WATER MAIN, INCLUDING CI FITTINGS & SPECIALS | 1075 LF | \$ | 9.50 | 10,212.50 |
| 2. | FURNISH AND INSTALL FIRE HYDRANTS WITH 6" GV BOX AND COVER | 2 EA | \$ | 1,300.00 | 2,600.00 |
| 3. | FURNISH AND INSTALL 8" GATE VALVE WITH BOX AND COVER | 2 EA | \$ | 525.00 | 1,050.00 |
| 4. | FURNISH AND INSTALL 1 1/2" SERVICE PIPE | 270 LF | \$ | 4.50 | 1,215.00 |
| 5. | FURNISH AND INSTALL HOUSE SERVICE | | | | |
| | A) SINGLE | 5 EA | \$ | 175.00 | 875.00 |
| | B) DOUBLE | 4 EA | \$ | 225.00 | 900.00 |
| 6. | FURNISH AND INSTALL 8" PLUG & ANCHOR WITH 2" BLOW OFF | 1 EA | \$ | 300.00 | 300.00 |
| 7. | FURNISH AND INSTALL BACTERIOLOGICAL SAMPLING POINTS | 2 EA | \$ | 105.00 | 210.00 |
| 8. | CONNECT TO EXIST'S WATER MAIN USING 8" X 8" TAPPING SLEEVE AND 8" TAPPING VALVE | 1 LS | \$ | 1,400.00 | 1,400.00 |
| SUBTOTAL WATER SYSTEMS----- | | | | | \$ 18,762.50 |

EXHIBIT "A-2" B.2

COST ESTIMATE
DASILVA PLAT
PAGE 2

| ITEM NO. | DESCRIPTION | QUANTITY | UNIT | PRICE | AMOUNT |
|---------------|---|----------|------|----------|----------|
| SEWER SYSTEMS | | | | | |
| 1. | FURNISH AND INSTALL 8" PVC SDR 35 MAINLINE SEWER PIPE FROM THE FOLLOWING CUTS | | | | |
| | A) 0'-6' CUT | 675 LF | \$ | 9.75 | 6,581.25 |
| | B) 6'-8' CUT | 200 LF | \$ | 12.50 | 2,500.00 |
| 2. | FURNISH AND INSTALL COMPLETE MANHOLES FROM THE FOLLOWING CUTS | | | | |
| | A) 0'-6' CUTS | 3 EA | \$ | 820.00 | 2,460.00 |
| | B) 6'-8' CUTS | 1 EA | \$ | 1,030.00 | 1,030.00 |
| 3. | FURNISH AND INSTALL 6" PVC SEWER SERVICE PIPE FOR ALL DEPTHS OF SERVICE | 260 LF | \$ | 6.75 | 1,755.00 |
| 4. | FURNISH AND INSTALL HOUSE SERVICES WITH END CLEANOUTS | | | | |
| | A) SINGLE SERVICE | 1 EA | \$ | 158.30 | 158.30 |
| | B) DOUBLE SERVICE | 6 EA | \$ | 200.00 | 200.00 |
| 5. | CONNECT NEW 8" GRAY SEWER TO EXIST'S MH IN FRONT OF LS | 1 LS | LS | | 500.00 |

SUBTOTAL SEWER SYSTEM----- \$16,184.55

TOTAL ESTIMATED COST FOR WATER & SEWER SYSTEMS-----\$34,947.05

BOND/L.O.C. REQUIRED BY TOWN OF DAVIE = 110% OF ESTIMATED COST
AMOUNT OF BOND/ L.O.C. = \$34,947.05 X 1.1 = \$38,441.75

PREPARED BY: ASSOCIATED ENGINEERS AND SURVEYORS, INC.
5450 GRIFFIN ROAD
DAVIE, FLORIDA 33314

APPROVED BY: PAUL PERNA, P.E.

DATE: OCTOBER 17, 1991

89-104W.COE

EXHIBIT "B"

LEGAL DESCRIPTION:

Lots 1 thru lot 13 and Parcel "A" of "DASILVA PLAT", according to the Plat thereof as recorded in Plat Book 150, Page 32 of the Public Records of Broward County, Florida.

Sand lands, situate, lying and being in the Town of Davie, Broward County, Florida.

98-06 legal

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Bruce Taylor/327-3748

PREPARED BY: Heidi K. Cavicchia

SUBJECT: Resolution

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
ACCEPTING THE BID FOR A TRAILER MOUNTED SEWAGE PUMP

REPORT IN BRIEF: A competitive bid was conducted for the purchase of a trailer mounted sewage pump. The Town sent out bid specifications to seven (7) prospective bidders. The Town received six (6) responses, with one (1) bidder returning a "No Bid" response. The recommendation is for Premier Pump, LLC who was the lowest bidder for this equipment at a price of \$49,856.

PREVIOUS ACTIONS: Not Applicable

CONCURRENCES: The recommended award has been reviewed by the Utilities Director and the Bid Specification Committee who all concur with the decision to award to Premier Pump.

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: \$49,856

Account Name: Capital Outlay - Equipment

RECOMMENDATION(S): Motion to approve the resolution

Attachment(s): Resolution, Procurement Authorization, Bid Opening Report, Utilities Department Recommendation, Bid Proposal Review, Washington State Corporation Review, Town of Davie Vendor/Bidder Disclosure Form, W-9 Form

RESOLUTION NO. R-2007-

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A TRAILER MOUNTED SEWAGE PUMP TO PREMIER PUMP.

WHEREAS, the Town is in need of a trailer mounted sewage pump; and

WHEREAS, the Town solicited sealed bids for such equipment; and

WHEREAS, after review, the Town Council wishes to accept the bid from Premier Pump, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council hereby accepts the bid from Premier Pump, LLC for a Trailer Mounted Sewage Pump in the amount of \$49,856.

SECTION 2. The Town Council hereby authorizes the expenditure from the Utilities Department Capital Outlay - Equipment Account.

SECTION 4. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

TOWN OF DAVIE PROCUREMENT AUTHORIZATION

| ACCOUNT NUMBER | BUDGET ITEM & DESCRIPTION | APPROXIMATE COST |
|-----------------------------------|----------------------------------|------------------|
| 040-1058-536.64-01 ✓ | Equipment - Portable Pump 10 x 8 | \$ 100,000 |
| <i>CAPITAL OUTLAY - EQUIPMENT</i> | | |

METHOD OF PROCUREMENT (check the one that applies)

- ☒ Open Competitive Bidding
☐ Piggyback on Contract Number _____
☐ Sole Source
☐ Request For Proposals

SPECIFICATIONS & LIST OF VENDORS MUST BE ATTACHED

Signed *Bruce Taylor*
Department Head

Have Funds been reserved *PSA. 35504*

Date *1/26/07* Signed *MA*

Signed *Mary Shimmis*
Town Administrator

BIDS SUBMITTED

| VENDOR | COST |
|---------------------------|--------------------|
| <i>PREMIER PUMP</i> | <i>\$49,856.00</i> |
| <i>GRIFFIN DEWATERING</i> | <i>55,945.00</i> |
| <i>SEABELT RENTAL</i> | <i>59,999.00</i> |
| <i>ACME DYNAMICS</i> | <i>64,436.00</i> |
| <i>GODWIN PUMPS</i> | <i>76,600.00</i> |
| <i>UNITED RENTAL</i> | <i>77,329.00</i> |
| <i>HUDSON PUMP</i> | <i>NO BID</i> |
| | |
| | |
| | |

Signed *Hub Hyman*
Procurement Manager

BID SPECIFICATION COMMITTEE RECOMMENDATION

| Vendor | Cost |
|---------------------|--------------------|
| <i>PREMIER PUMP</i> | <i>\$49,856.00</i> |
| | |
| | |

BID OPENING REPORT

BID NAME: TRAILER MOUNTED SEWAGE PUMP

TIME: 2:15

BID NUMBER: B-07-27

DATE: 2/20/07

ESTIMATED COST: \$100,000

| NO. | CONTRACTOR'S NAME | BID AMOUNT | COMMERCIAL RANKING |
|-----|--------------------|------------|--------------------|
| 1. | AUDSON PUMP | NO BID | — |
| 2. | SUNBELT RENTAL | 59,999 | 3 |
| 3. | UNITED RENTAL | 77,399 | 6 |
| 4. | GRIFFIN DEWATERING | 55,945 | 2 |
| 5. | GODWIN PUMPS | 76,600 | 5 |
| 6. | PREMIER PUMP | 49,856 | 1 |
| 7. | ARMS DYNAMICS | 64,436 | 4 |
| 8. | | | |
| 9. | | | |
| 10. | | | |

REMARKS

NOTE: THE ABOVE BID AMOUNTS HAVE NOT BEEN CHECKED, AND BID TOTALS ARE SUBJECT TO CORRECTION AFTER THE BIDS HAVE BEEN COMPLETELY REVIEWED.

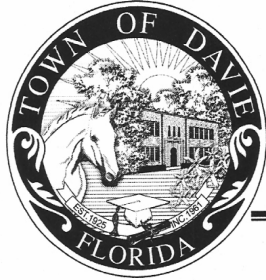
THIS IS ONLY A FINANCIAL RANKING OF ALL THE BIDS RECEIVED. THE USING DEPARTMENT IS RESPONSIBLE FOR REVIEWING THE BIDS FOR COMPLIANCE WITH ALL THE BID SPECIFICATIONS PRIOR TO SUBMITTAL OF LETTER OF RECOMMENDATION.

PURCHASING OFFICIAL: [Signature]

DATE: 2/20/07

WITNESS: [Signature]

DATE: 2/20/07



| | | | |
|----------------------|----------|---------------------|----------|
| Administration | 797-1030 | Parks & Recreation | 797-1145 |
| Budget & Finance | 797-1050 | Police Department | 693-8200 |
| Development Services | 797-1111 | Public Works | 797-1240 |
| Engineering | 797-1113 | Town Clerk's Office | 797-1023 |
| Fire Department | 797-1090 | Utilities | 327-3742 |
| Human Resources | 797-1010 | | |

TOWN OF DAVIE UTILITIES 6591 Orange Drive, Davie, Florida 33314-3399 (954) 327-3742

MEMORANDUM

TO: Herb Hyman, Procurement Manager

FROM: William Peele, Superintendent of Operations *[Signature]*

THRU: Bruce Taylor, Utilities Director *BT/Wee*

DATE: March 16, 2007

RE: Bid Recommendation – Trailer Mounted Sewage Pump (B17-27)

The Utilities Department would like to recommend accepting the bid from Premier Pump for a Trailer Mounted Sewage Pump in the amount of \$49,856. We have reviewed the bids and determined that Premier Pump, in addition to being the lowest bidder, meets the requirements of our specifications.

If you need additional information, please contact me.

:hkc

**TRAILER MOUNTED SEWAGE PUMP (B-17-27)
BID PROPOSAL REVIEW**

| | Premier Pump | Griffin Dewatering | Sunbelt Rentals | Acme Dynamics | Godwin Pumps | United Rentals |
|-----------------------------|---|-----------------------------------|-----------------------------------|----------------------------|-----------------------------------|-----------------------------------|
| Financial Ranking | 1 | 2 | 3 | 4 | 5 | 6 |
| Price | \$49,856 | \$55,945 | \$59,999 | \$64,436 | \$76,600 | \$77,799 |
| Visa Card | No | Yes, but add 5% | Yes | Yes | Yes | Yes |
| SPECIFICATIONS | | | | | | |
| Metal Enclosure | 14 Ga Sheet Metal | 14 Ga Sheet Metal | Lightweight Alumin. | Not all metal | 14 Ga Sheet metal | No data |
| T-Flex Dual Axles | Yes | Yes | | Yes | Yes | No data |
| Min. 15" tire size | 15" | 15" | | 15" avail N/C | 16" | No data |
| Pump Mfg (Model) | Cornell (8NNT) | Pioneer (PP86S2) | Gorman-Rupp (PA10A60) | Cornell (6NHTB) | Godwin (DPC-300) | Gorman-Rupp (PA-10A60) |
| Duty Point 1500 RPM | 1483 | 1500 | 1950 | 1500 | 1200 | No data |
| Impeller/# Vanes Open/2 | Closed impeller/ 2 vanes | Semi enclosed impeller/2 vanes | Open impeller | Closed impeller 2 vanes | Open impeller 4 vanes | Open impeller |
| Pump Efficiency | 75% | No data | No data | 71% | 63% | No data |
| 10" Suction/8" Discharge | 8"/8" | 8"/6" | 10"/10" | 10"/6" | 12"/12" | No data |
| 12 ft. max NPSHr | 12 ft | (NS) | | 11 ft | 10 ft | No data |
| Sunction Lift | 22 ft | 20 ft | 14.5 ft | No data | No data | No data |
| Warranty | 2 yr | 1 yr | | 2 yr (verbal) | 1 yr | No data |
| Vacuum Priming | Yes | Yes | Yes | Yes | Yes | No data |
| Engine-Diesel/Turbo | Deere 4045T (John Deere) 4 cyl | Deere 6068T (John Deere) 6 cyl | Deere 6068T (John Deere) 6 cyl | Yes/Yes (Perkins) 4 cyl | Deere 6068T (John Deere) 6 cyl | Deere 6068T (John Deere) 6 cyl |
| Warranty | 2 yr | 2 yr | 2 yr | 1 yr | 2 yr | 2 yr |
| 70 dBA at 23 ft Sound Level | 72 dBA at 23 ft | 73 dBA | 67 dBA at 23 ft | 69 dBA | 69 dBA | 67 dBA at 23 ft |
| Run Time (Hrs) | >30 | 30 | 28 | | | No data |
| Fuel Tank Volume (gal) | 130 | 180 | 165 | | | No data |
| Leak Containment | Will provide 1" retention approx 18 gal hold up | Drip pan w/drain | Spill containment base | | | No data |
| Required Options | | | | | | |
| Solar Charger | Yes | Yes | Yes | Yes | Yes | No data |
| Cellular Dialer | Yes | Yes | Yes | NS | Yes | No data |
| Lead Time | <90 days | <90 days | | | <90 days | |

[HOME](#)[Corporations Menu](#)[» Print Page](#)

CORPOR.

Corporations Division - Registration Data Search**PREMIER PUMP COMPANY**

| | |
|--------------------------------|---------------------|
| UBI Number | 601999878 |
| Category | Regular Corporation |
| Profit/Nonprofit | Profit |
| Active/Inactive | Active |
| State of Incorporation | WA |
| Date of Incorporation | 12/20/1999 |
| License Expiration Date | 12/31/2007 |

Registered Agent Information

| | |
|-------------------|----------------------|
| Agent Name | WILLIAM J SCHOLTES |
| Address | 20219 SE FERNRIDGE D |
| City | CAMAS |
| State | WA |
| ZIP | 98607 |

Special Address Information

| |
|----------------|
| Address |
| City |
| State |
| Zip |

[« Return to Search List](#)

Town of Davie Vendor/Bidder Disclosure

I, William J. Scholtes being first duly sworn state that:

The full legal name and business address of the person(s) or entity contracting with the Town of Davie ("Town") are as follows (Post Office addresses are not acceptable):

| | |
|--|--|
| Name of Individual, Firm, or Organization: | <u>Premier Pump Company</u> |
| Address: | <u>115 V Street</u> |
| | <u>Vancouver, Washington⁹⁸⁶⁶¹</u> |
| FEIN | <u>91-2009732</u> |
| State and date of incorporation | Washington 12-20-1999 |

OWNERSHIP DISCLOSURE AFFIDAVIT

1. If the contract or business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who directly or indirectly holds five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a trust, the full name and address shall be provided for each trustee and each beneficiary. All such names and address are as follows (Post Office addresses are not acceptable):

| Full Legal Name | Address | Ownership |
|---------------------|--|-----------|
| William J. Scholtes | 20219 S.E. Fernridge Dr. Camas WA. 98607 | % 50 % |
| Jeffery W. Marsh | 29229 N.E. 60th Ave. Camas, WA. 98607 | % 50 % |
| | | % |
| | | % |

2. The full legal names and business addresses of any other individual (other than subcontractors, materialmen, suppliers, laborers, and lenders) who have, or will have, any legal, equitable, or beneficial interest in the contract or business transaction with the Town are as follows (Post Office addresses are not acceptable):

| Full Legal Name | Address |
|-----------------|---------|
| N/A | |
| | |
| | |
| | |

By: [Signature]
Signature of Affiant

Date: 2-16-07

William J. Scholtes
Print Name

SUBSCRIBED AND SWORN TO or affirmed before me this 16 day of
February 2007, by William Scholtes he/she is
personally known to me or has presented _____ as
identification.



[Signature]
Notary Public, State of Florida at Large

Print or Stamp of Notary

Serial Number

My Commission Expires : 8/26/2008

Request for Taxpayer
Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

| | |
|--|--|
| Name (as shown on your income tax return) Premier Pump Company | |
| Business name, if different from above Premier Pump Company | |
| Check appropriate box: <input type="checkbox"/> Individual/ Sole proprietor <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶ | <input type="checkbox"/> Exempt from backup withholding |
| Address (number, street, and apt. or suite no.) 115 V Street | Requester's name and address (optional) |
| City, state, and ZIP code Vancouver, Washington 98661 | |
| List account number(s) here (optional) | |

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

| | | | | | | | | |
|--------------------------------|---|---|---|---|---|---|---|---|
| Social security number | | | | | | | | |
| | | | | | | | | |
| or | | | | | | | | |
| Employer identification number | | | | | | | | |
| 9 | 1 | 2 | 0 | 0 | 9 | 7 | 3 | 2 |

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here

Signature of
U.S. person ▶

Date ▶ **2-16-07**

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee.

In 3 above, if applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes, you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity.

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: David M. Abramson, Planner III

SUBJECT: Plat, P 3-2-06 /06-07/Stonebridge Estates, Generally located on the southwest corner of Southwest 26th Street and Flamingo Road

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE “STONE BRIDGE ESTATES” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The petitioner requests approval of the plat known as the “Stone Bridge Estates.” The subject site consists of 18.81 Acres (819,363 square feet) and restricted to seventeen (17) single-family detached units. The proposed vehicular access into the development is located at the northeast corner of the subject site. Vehicular traffic enters at this corner off Flamingo Road through a dedicated access easement that shall be dedicated by the Town within the open space/trail parcel north of the subject site.

The proposed “Stone Bridge Estates” plat is required since the petitioner desires to construct a single-family home development on the subject site. This proposed plat is consistent and does not exceed what was anticipated in the Comprehensive Plan as it was intended for residential 1 dwelling unit an acre lots. The traffic generated by this development can be accommodated by the adjacent roadway (Flamingo Road).

Staff finds that the proposed “Stone Bridge Estates” plat is in accordance with the Land Development Code as it relates to access, location, and size. The proposed single-family home development may be considered compatible with existing and future uses with surrounding properties.

PREVIOUS ACTIONS: n/a

CONCURRENCES:

At the February 14, 2007 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Ms. Turin, to approve subject to the understanding that the Board was not making a judgment on the appropriateness of the SW 26th Street access. (**Motion carried 3-0, Chair Bender and Mr. Stevens were absent**)

(Planner's Note: The Planning and Zoning Board based their recommendation solely on the plat application. The sensitivity relating to the vacation application of Southwest 26th Street was not part of the motion, only a proposed easement located at the northwest corner of the subject site on the open space/trail parcel was considered for access.)

FISCAL IMPACT: n/a

RECOMMENDATION(S):

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

- 1. Shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.**
- 2. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.**
- 3. Relocate the access easement out of fifteen (15) foot drainage easement between lots 5 and 6.**
4. Provide the monetary funds required for the Town to construct the Westridge Trail system along the eastern boundary line.
5. Vacation application shall be submitted and approved by Town Council for Southwest 127th Avenue along the northwest portion of the subject site.
- 6. Contingent upon approval of the following development applications:**
 - a. Master Site Plan Application (MSP 11-2-05), Stonebridge Estates*
 - b. Rezoning Application (ZB 11-1-05), Stonebridge Estates*
7. The petitioner shall work with the Town of Davie and establish legal access through the dedication of an easement for the required length on the open space/trail parcel located at the northeastern portion of the subject site.

Attachment(s): Resolution, Planning Report, Plat

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "STONE BRIDGE ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE..

WHEREAS, the proposed plat to be known as the "Stone Bridge Estates" was considered by the Town of Davie Planning and Zoning Board on February 14, 2007;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The plat known as the "Stone Bridge Estates" is hereby approved subject to the conditions stated on the planning report which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

SECTION 3. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie.

SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2007.

Exhibit “A”

Application: P 3-2-06 /06-07/Stonebridge Estates

Original Report Date: 10/23/06

Revision(s): 3/15/07

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:

Name: ECATS 2 LLC
C/O Rhon Ernest-Jones Consulting Engineers, Inc.
Address: 12500 West Atlantic Boulevard
City: Coral Springs, Florida 33071
Phone: (954) 344-9855

Petitioner:

Name: Rhon Ernest-Jones Consulting Engineers, Inc.
Address: 12500 West Atlantic Boulevard
City: Coral Springs, Florida 33071
Phone: (954) 344-9855

Background Information

Application Request: Approval of the plat known as the “Stone Bridge Estates”

Location: Generally located on the southwest corner of Southwest 26th Street and Flamingo Road

Future Land Use Plan Map: Residential 1 DU/AC

Existing Zoning: AG, Agricultural District

Proposed Zoning: R-1, Estate Dwelling District

Existing Use(s): Wood Stable

Parcel Size: 18.81 Acres (819,363 square feet)

Proposed Density: .9 Dwelling Units per Acre

Proposed Use(s): Seventeen (17) Single-Family Custom Homes on Builder Acre Lots

Surrounding Use(s):

North: Vacant Land
South: Stonebrooke Estates (Single-Family Homes)
East: Flamingo Road (Right-of Way)
West: Kapok & Peico Estates (Single-Family Homes)

Surrounding Land

Use Plan Map Designation(s):

Residential (1 DU/AC)
Residential (1 DU/AC)
Residential (1 DU/AC)
Residential (1 DU/AC)

Surrounding Zoning(s):

North: **AG, Agricultural District**
South: **E, Estate District**
East: **AG, Agricultural District**
West: **AG, Agricultural District**

Zoning History

Related Zoning History:

Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Previous Request(s) on same property: **n/a**

Concurrent Request on same property:

Rezoning Application (ZB 12-1-05), the petitioner requests to rezone the 18.81 acre subject site from AG, Agricultural District to R-1, Estate Dwelling District.

***Master Site Plan Application* (MSP 11-2-05), the petitioner requests master site plan approval to construct seventeen (17) single-family custom homes on builder acre lots.**

Application Details

The applicant's **SUBMISSION** indicates the following:

1. ***Site:*** The subject site consists of 18.81 Acres (819,363 square feet)
2. ***Restrictive Note:*** The proposed plat is restricted to seventeen (17) single-family detached units.
3. ***Access:*** The proposed vehicular access into the development is located at the northeast corner of the subject site. Vehicular traffic enters at this corner off Flamingo Road through a dedicated access easement that shall be dedicated by the Town within the open space/trail parcel north of the subject site.
4. ***Trails:*** The Westridge – Robbins Park Trail is located along the eastern boundary line. Additionally, the petitioner received Town Council approval to vacate 15' of Southwest 26th Street on June 7, 2006. This parcel was then dedicated back to the Town as an open space/trail parcel for the Town's adopted greenway.
5. ***Easements and Reservation:*** The following easements are proposed by this plat:
 - a. Ten (10) foot utility easement along the perimeter boundary line.
 - b. Twenty (20) foot drainage easement along the outside (rear) of the residential lots.

- c. Twenty (20) foot lake maintenance easement along the perimeter of the proposed 2.33 (101,490 square foot) acre lake.
- d. Thirty by thirty (30 x 30) foot lift station easement located at the northwest corner of the subject site.
- e. Fifty-five (55) foot canal reservation along the eastern boundary line.

6. ***Dedications:*** The following dedications are proposed by this plat:

- a. Forty (40) foot public right-of-way (as per code) along the outside perimeter of the proposed lake and to the northeast corner of the subject site.
- b. A portion of the one hundred (100) foot scenic corridor buffer along the eastern boundary line.

7. ***Drainage:*** The plat lies within Central Broward Water Control District. Approval from Central Broward Water Control District shall be obtained prior to issuance of any site development permit.

8. ***Local Concurrency:*** As required in the Land Development Code, Section 12-323, Adopted Level of Services, building permits shall not be obtained unless there is sufficient available capacity to sustain the level of service for Potable Water, Sanitary Sewer, Transportation, Drainage System, Solid Waste, Recreation, Police and Fire.

9. ***Compatibility:*** The proposed seventeen (17) single-family custom home development is considered compatible with both existing and allowable uses on and adjacent to this property. The proposed residential use (Stone Bridge Estates) is consistent with the Town of Davie Comprehensive Plan and Land Development Code as it relates to access, location, and size.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Article XII Subdivisions and Site Plans.

Land Development Code (Section 12-360(B)(1)) platting requirements.

Land Development Code (Section 12-366.1 (A) thru (D)) submission requirements for plats.

Land Development Code, Article XII of the Land Development Code, Subdivisions and Site Plans.

Land Development Code (Section 12-24), (I) (2) Estate Dwelling (R-1) District: The R-1 District is intended to implement the one (1) dwelling unit per acre residential classification of the Town of Davie Comprehensive Plan and to provide estate

residential areas with most of the noncommercial agricultural uses permitted providing a transition from agricultural land to residential dwelling units.

Land Development Code (Section 12-287) Conventional Single-Family Development Standards, (A) Minimum parcel requirements, Minimum lot area: 35,000 sq. ft., Minimum Lot Frontage/Width: 125 ft., Minimum Lot Depth: n/a, Minimum DU Floor Area: 2,400 sq. ft., Max building coverage: 25%; (B) Front building setbacks 30-40 ft., Side building setbacks 25 ft., Rear building setback 30 ft., and Maximum height 30 ft.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Policy 5-2: The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

Future Land Use Plan, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Significant Development Review Committee (DRC) Comments

These following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

Planning and Zoning Division:

1. As per § 12-33 (L) (1) (a), provide the cubic yards of materials, including sand, gravel, rock or topsoil, to be removed not required for grading the premise.
2. Separate out and note each dedicated parcel within the proposed development (i.e. Lake Parcel, Scenic Corridor Parcel, Landscape Buffers, etc...). *(This comment has not been addressed)*

Engineering Division:

1. **Provide 10' utility easement along all four boundaries.**
 2. Illustrate entire road Right-of-Way for Flamingo Road.
-

Staff Analysis

The proposed “Stone Bridge Estates” plat is required since the petitioner desires to construct a single-family home development on the subject site. This proposed plat

is consistent and does not exceed what was anticipated in the Comprehensive Plan as it was intended for residential 1 dwelling unit an acre lots. The traffic generated by this development can be accommodated by the adjacent roadway (Flamingo Road). Additionally, the plat meets the Land Development Code as it relates to lot size, width, depth, and intent.

Staff Findings of Fact

Staff finds that the proposed “Stone Bridge Estates” plat is in accordance with the Comprehensive Plan and Land Development Code as it relates to access, location, and size. The proposed single-family home development may be considered compatible with existing and future uses with surrounding properties.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

1. Shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
 2. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.
 3. Relocate the access easement out of fifteen (15) foot drainage easement between lots 5 and 6.
 4. Provide the monetary funds required for the Town to construct the Westridge Trail system along the eastern boundary line.
 5. Vacation application shall be submitted and approved by Town Council for Southwest 127th Avenue along the northwest portion of the subject site.
 6. **Contingent upon approval of the following development applications:**
 - a. Master Site Plan Application (MSP 11-2-05), Stonebridge Estates
 - b. Rezoning Application (ZB 11-1-05), Stonebridge Estates
 7. The petitioner shall work with the Town of Davie and establish legal access through the dedication of an easement for the required length on the open space/trail parcel located at the northeastern portion of the subject site.
-

Planning and Zoning Board Recommendation

At the February 14, 2007 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Ms. Turin, to approve subject to the understanding that the Board was not making a judgment on the appropriateness of the SW 26th Street access. **(Motion carried 3-0, Chair Bender and Mr. Stevens were absent)**

(Planner’s Note: The Planning and Zoning Board based their recommendation solely on the plat application. The sensitivity relating to the vacation application of Southwest 26th Street was not part of the motion, only a proposed easement located at the northwest corner of the subject site on the open space/trail parcel was considered for access.)

Town Council Action

Exhibits

1. Future Land Use Plan Map
2. Zoning and Aerial Map

Prepared by: _____

Reviewed by:

File Location: P&Z\David Abramson\Applications\P_Plat\P_06\P 3-2-06 Stone Bridge Estates

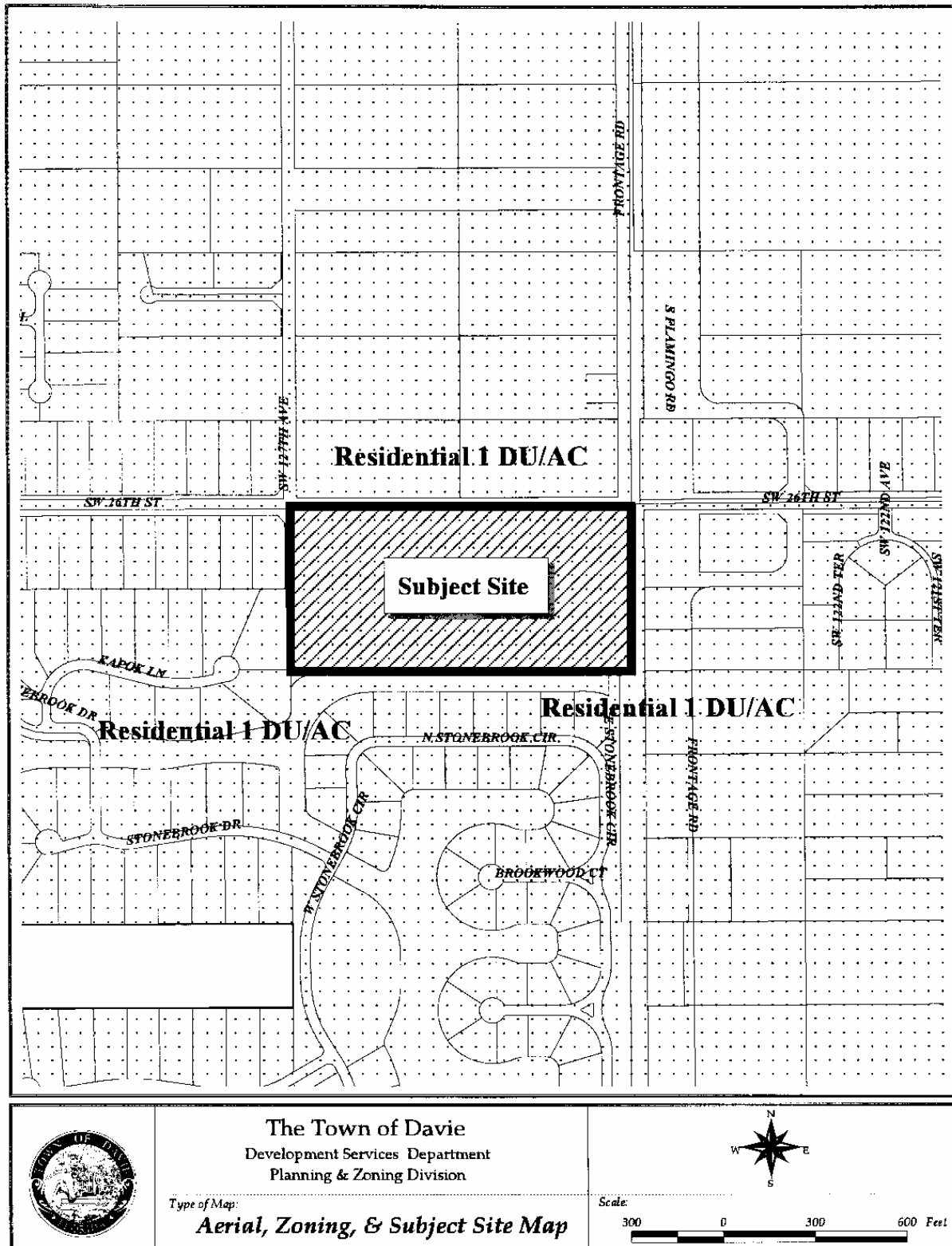
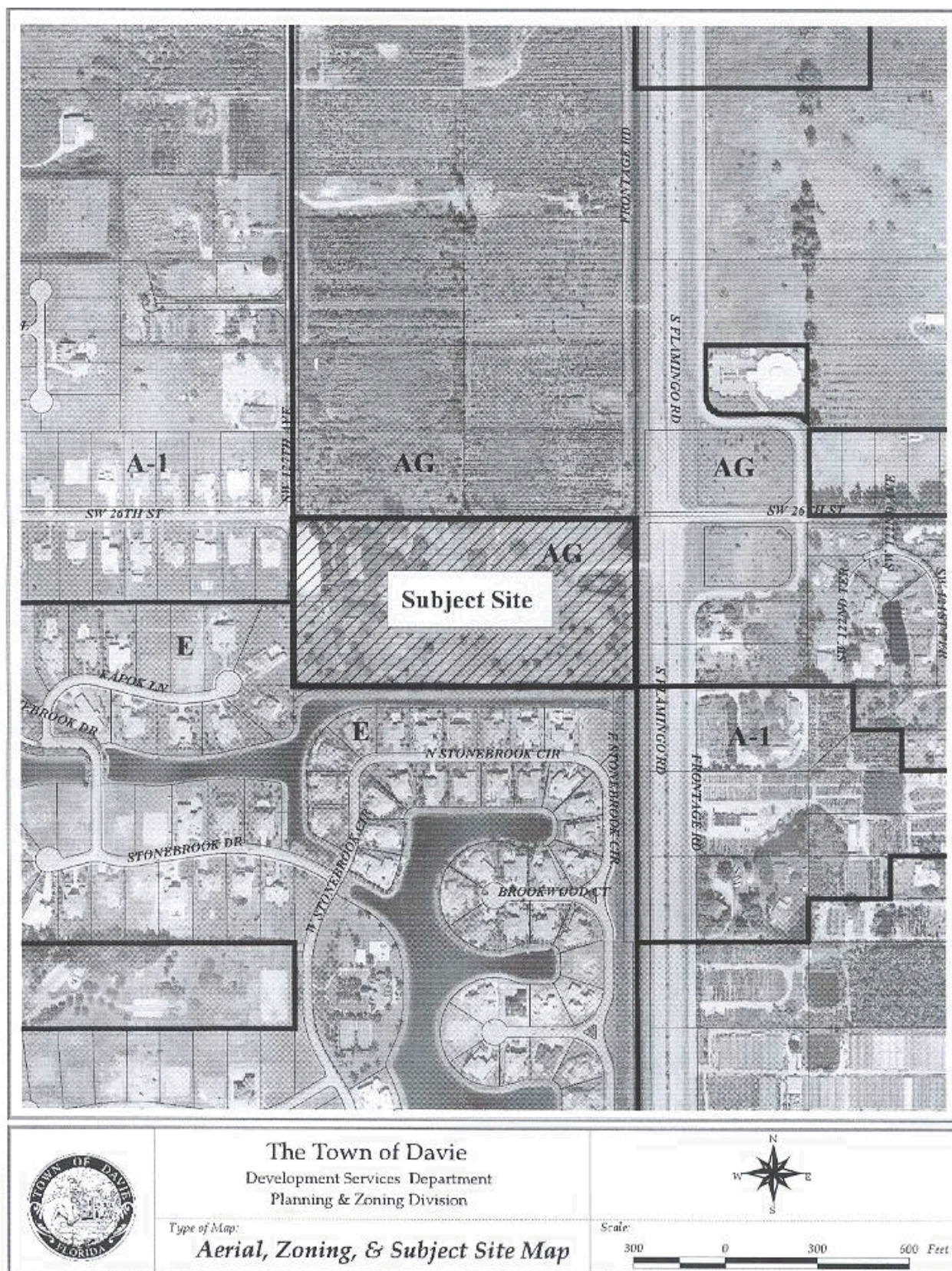


Exhibit 2 (*Aerial, Zoning, and Subject Map*)



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TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Carlo F. Galluccio III Planning Aide

SUBJECT: SPM 12-03-06 / 07-25 / Forest Lawn Memorial Gardens
2401 Davie Road/Generally located on the south side of
State Road 84, 580 feet west of Davie Road

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: SPM 12-03-06 / 07-25 / Forest Lawn Memorial Gardens

REPORT IN BRIEF:

Forest Lawn Memorial Gardens is approximately 24 acres in size. The subject site is generally located on the south side of State Road 84, west of Davie Road. The petitioner is proposing a new 2,631 square foot mausoleum on the subject site. The subject site is currently zoned A-9 Cemetery District (County) with an underlying land use of Regional Activity Center. To the north of subject site is Interstate-595, to the east is a Bright Star Bank, Shoney, and a Hotel, to the south Westport Business Park, and is a vacant lot all zoned M-4, Limited Heavy Industrial (County).

The pyramid style roof will be consistent with the other two mausoleums on the subject site. Additionally, the mausoleum will have laminated wood framing beams on the under siding of the roof. The mausoleum will have polished granite walls surrounding the structure with polish granite crypt panels. The mausoleum exterior elevations consist of warm painted beige colors on the columns and trim around the roof.

Access onto the subject site is through an opening along the eastern boundary line off Davie Road. After traffic enters onto the subject site, it may maneuver to the existing mausoleums along the south boundary line. Additionally, the petitioner is proposing walkways to and from the proposed mausoleum.

The proposed mausoleum is compatible with the two existing mausoleums to the east and to the existing cemetery.

PREVIOUS ACTIONS: None

CONCURRENCES: Site Plan Committee Motion

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S):

Staff finds the subject application complete and suitable for transmittal to the Site Plan Committee and Town Council for further consideration.

Staff requests that the petitioner file a rezoning application prior to the approval of this site plan modification application (SPM 12-3-06). Additionally, the required rezoning application shall be approved by Town Council prior to receiving a Certificate of Occupancy (CO) for the third mausoleum

Attachment(s):

Site Plan, Planning Report,

Exhibit “A”

Application: SPM 12-03-06 / Forest Lawn Mausoleum

Original Report Date: 01/04/05

Revision(s): March 20, 2007

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:

Name: S.C.I. Funeral Services of Florida, Inc.
Address: 1929 Allen Parkway
City: Houston, Texas 77019
Phone: (713) 525-9089

Petitioner:

Name: Larry Justice
Address: 1315 West Liberty Ave
City: Pittsburgh, PA 15226
Phone: (412) 571-5576

Background Information

Application Request: An after the fact Site Plan Modification approval for a Mausoleum within the Forest Lawn Memorial Gardens

Address/Location: 2401 Davie Road/Generally located on the south side of State Road 84 west of Davie Road

Future Land Use Plan Map: Regional Activity Center

Existing Zoning: A-9, Cemetery District (County)

Existing Use: Vacant lot

Proposed Use: A 2,631 square foot mausoleum

Parcel Size: 2.08 acres (90,635 square feet)

| | <u>Surrounding Uses:</u> | <u>Surrounding Future Land Use Plan Map Designations:</u> |
|---------------|---------------------------------------|--|
| North: | State Road 84/I-595 | Transportation |
| East: | Bright Star Bank, Shoney, and a Hotel | Regional Activity Center |
| South: | Westport Business Park | Regional Activity Center |
| West: | Vacant lot | Regional Activity Center |

Surrounding Zoning:

North: Not in the town

East: M-4, Limited Heavy Industrial (County)

South: M-4, Limited Heavy Industrial (County)

West: M-4, Limited Heavy Industrial (County)

Zoning History

Related Zoning History:

Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Previous Requests on same property:

Site Plan Modification Application (SPM 7-01-06), on July 7, 2006, Planning and Zoning staff approved this site plan modification application for a Gazebo, crypts, and sidewalks on the subject site.

Site Plan Application (SP 8-2-01), on November 20, 2001, Town Council approved this site plan application for mausoleum two, to match the existing one on site.

Site Plan Application (SP 8-4-97), on November 5, 1997, Town Council approved this site plan application for a 9,000 square foot funeral home.

Site Plan Application (SP 2-2-96) on May 1, 1996, Town Council approved this site plan application for mausoleum one.

Concurrent Request on same property: n/a

Effective Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code the A-9 (county) County (Section 39-516), The cemetery district shall be used specifically for the cemetery purpose as described in the definitions of chapter 559, Florida Statutes; and no other uses shall be permitted, except those which are necessary accessory uses for the operation of the cemetery.

Land Development Code Section 12-305 and 12-306 Rezoning Purpose and process.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated Industrial on Nova Drive.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 99. The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives, & Policies:

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The applicant's submission indicates the following:

1. *Site:* Forest Lawn Memorial Gardens is approximately 24 acres in size. The subject site is generally located on the south side of State Road 84, west of Davie Road. The petitioner is proposing a new 2,631 square foot mausoleum on the subject site. The subject site is currently zoned A-9 Cemetery District (County) with an underlying land use of Regional Activity Center. To the north of subject site is Interstate-595, to the east is a Bright Star Bank, Shoney, and a Hotel, to the south Westport Business Park, and is a vacant lot all zoned M-4, Limited Heavy Industrial (County).
2. *Architecture:* The pyramid style roof will be consistent with the other two mausoleums on subject site. Additionally, the mausoleum will have a laminated wood framing beams on the under siding of the roof. The mausoleum will have polish granite walls surrounding the structure with polish granite crypt panels. The mausoleum exterior elevations consist of warm painted beige colors on the columns and trim around the roof.
3. *Access and Parking:* Access onto the subject site is through an opening along the eastern boundary line off Davie Road. After traffic enters onto the subject site, it may maneuver to the existing mausoleums along the south boundary line. Additionally, the petitioner is proposing walkways to and from the proposed mausoleum.
4. *Lighting:* The subject site closes at dusk, therefore, no exterior lights are proposed for the mausoleum.
5. *Landscaping:* The subject site's landscaping will be brought up to code at the time of Forest Lawn's Funeral Home site plan approval. The proposed third mausoleum will have grass areas around the structure with existing palms.
6. *Drainage:* The subject property lies within Central Broward Drainage District. Approval from Central Broward Drainage District shall be obtained prior to issuance of any site development permit
7. *Compatibility:* The proposed mausoleum is compatible with the two existing mausoleums to the east and to the existing cemetery.

Significant Development Review Agency Comments

These following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

Planning and Zoning:

1. Staff requests in conformance with the Land Development Code, the subject site (Forest Lawn Memorial Gardens) be rezoned to a designated Town of Davie zoning district based on Ordinance 2003-21, adopted June 4, 2003.(This shall be complete before CO of project)

Landscaping

1. The Town of Davie Code, Sec. 12-105, (A, B, C and D, E) requires that these conditions must be in compliance, before Landscape approves. This site has not been compliance for number of years. The following Code section will address the requirements for commercial site landscape requirements.(This shall be done in phases)
2. Section 12-1, (D), 2, 4, 5, a, b, c, d, f, pertaining to commercial site requirements, and the landscape buffers along State Road 84 and Davie Road.(This shall be done in phases)
3. As per § 12-107 (D) (3) & (4), provide a ten-foot (10') landscape buffer adjacent to commercial and industrial abutting properties.(This shall be done in phases)

Staff Analysis

The submitted site plan modification is zoned A-9, Cemetery District (County) and is designated Regional Activity Center on the Town of Davie Future Land Use Map. A mausoleum is permitted in the current zoning district and land use category. Staff is requiring that the petitioner rezone the subject site to a current Town of Davie zoning district that permits a mausoleum.

Staff Findings of Fact

Staff finds that site plan modification is consistent with the general purpose and intent of the proposed Town of Davie Comprehensive Plan. Furthermore, the site plan modification is in conformance with all applicable Codes and Ordinances in terms of site design, circulation, and setbacks. The proposed site plan modification is compatible with the surrounding uses and properties.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Site Plan Committee and Town Council for further consideration.

1. Staff requests that the petitioner file a rezoning application prior to the approval of this site plan modification application (SPM 12-3-06). Additionally, the required rezoning application shall be approved by Town Council prior to receiving a Certificate of Occupancy (CO) for the third mausoleum.

Site Plan Committee Recommendation

At the March 13, 2007 Site Plan Committee Meeting, Vice-Chair Evens made a motion, seconded by Ms. Aiken, to approve (SPM 12-3-06 Forrest Lawn Mausoleum.) (**Motion carried 3-0**)

Town Council Action

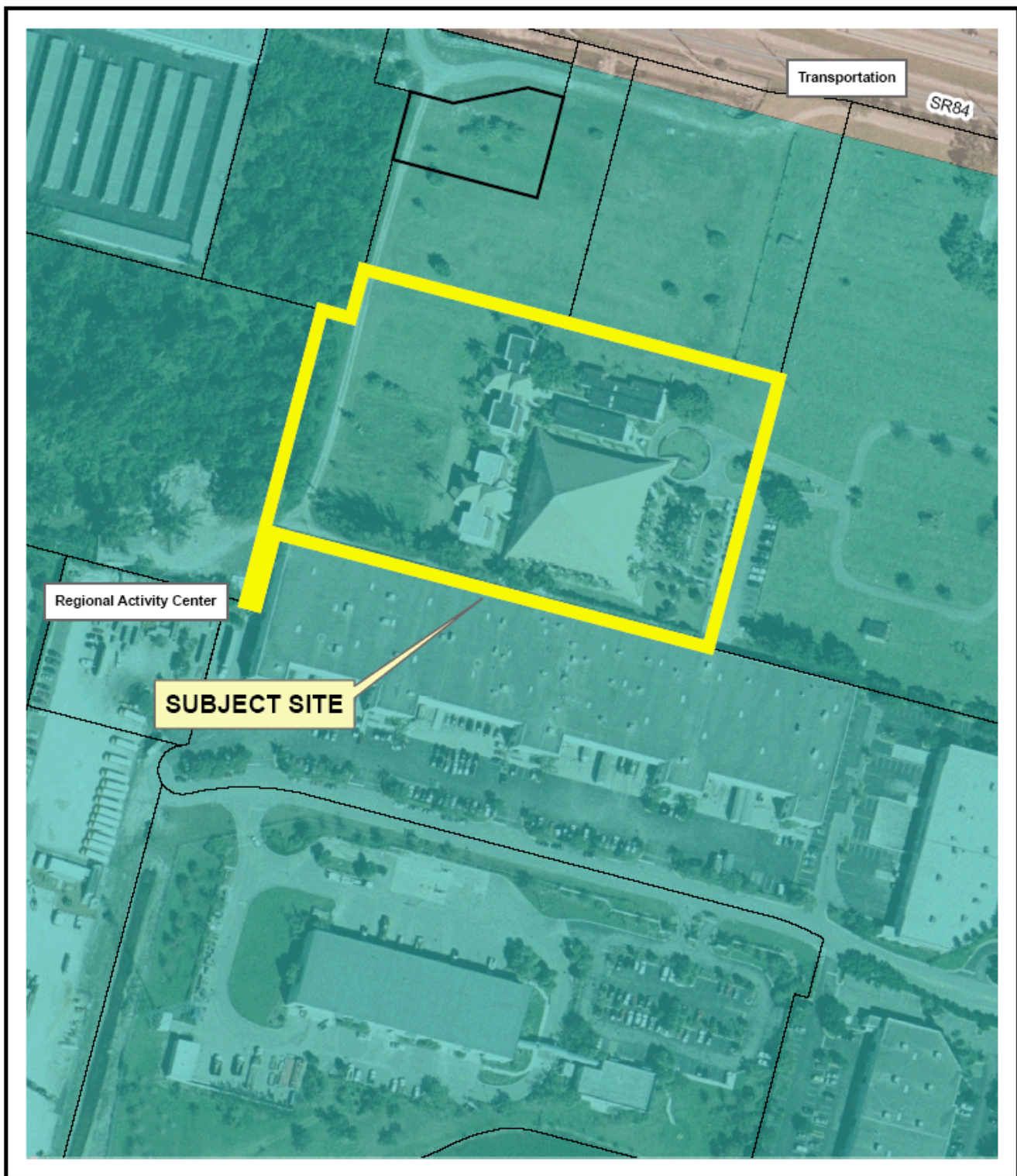
Exhibits

3. Future Land Use Plan Map
4. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

Exhibit 1 (Future Land Use Map)



Date Flown:
12/2004

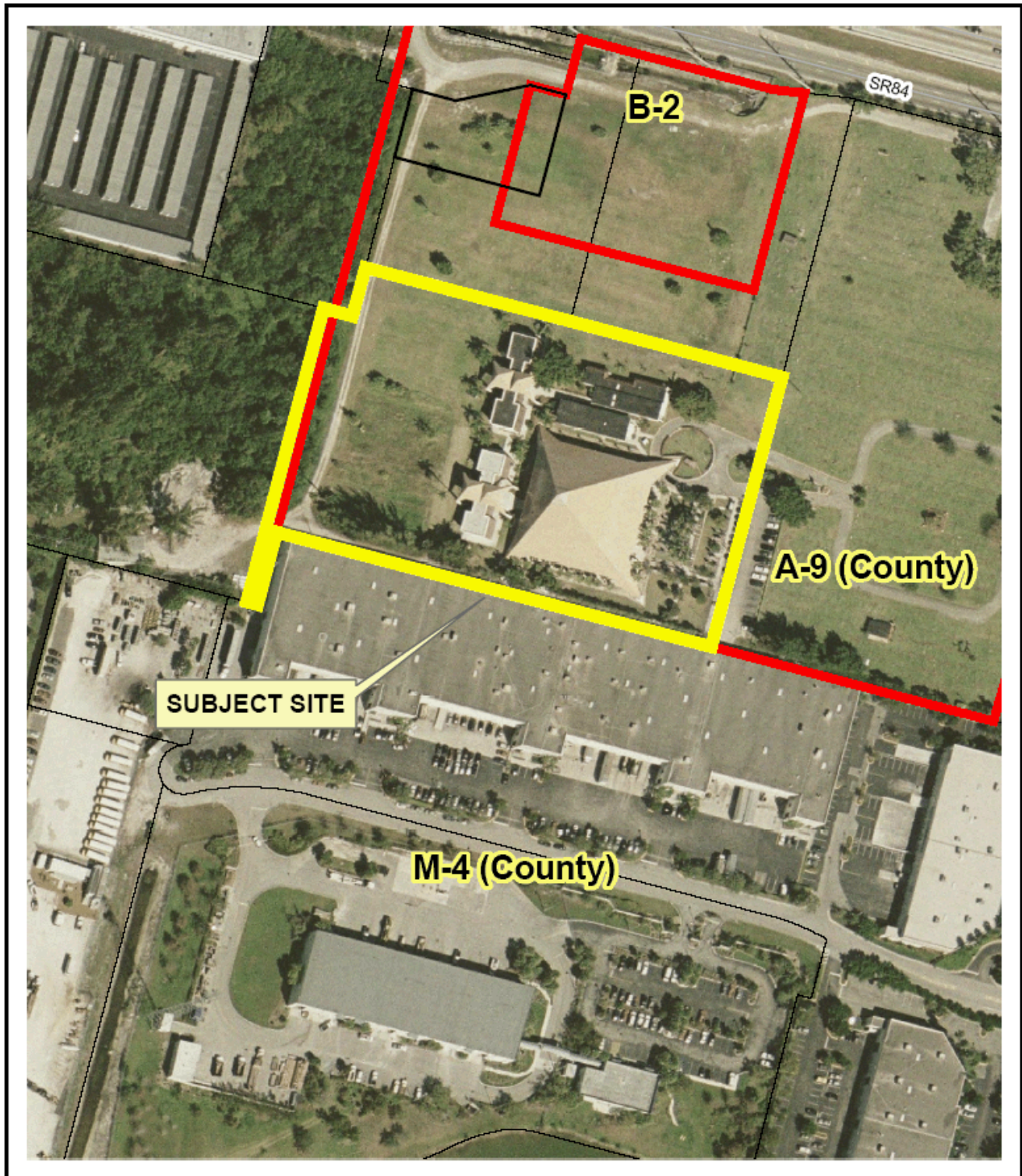


Prepared by the Town of Davie GIS Division

**Site Plan
SP 12-3-06
Future Land Use Map**

Prepared by: ID
Date Prepared: 1/17/07

Exhibit 2 Site Plan Zoning and Aerial Map



Date Flown:
12/2004



Prepared by the Town of Davie GIS Division

Site Plan
SP 12-3-06
Zoning and Aerial Map

Prepared by: ID
Date Prepared: 1/17/07

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: David M. Abramson, Planner III

SUBJECT: Master Site Plan Application: MSP 11-2-05/06-07/Stonebridge Estates, Generally located on the southwest corner of Southwest 26th Street and Flamingo Road

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: MSP 11-2-05/06-07/Stonebridge Estates

REPORT IN BRIEF: The subject site is approximately 18.81 acres (819,363 square feet) in size and is located on the southwest corner of Southwest 26th Street and Flamingo Road. The petitioner is proposing a seventeen (17) custom single-family home development. The subject site currently consist of a wood stable and has a proposed zoning district of R-1, Estate Dwelling District with an underlying land use designation of Residential 1 DU/AC. To the north of the subject site are vacant parcels zoned AG, Agricultural District, to the east is Flamingo Road, to the south are single-family dwellings zoned E, Estate District, and to the west is a single-family dwelling zoned E, Estate District/AG, Agricultural District and Southwest 127th Avenue.

The petitioner's site layout appears to be consistent with the design principles of Rural Lifestyle requirements. The streets within the development are in a forty (40) foot public right-of-way and swales are provided to accommodate street trees. Pedestrian movement has been considered throughout this residential development with sidewalks provided on the lot side of the interior streets, an access point to and from Flamingo Road right-of-way, and a seven (7) foot recreational between lots (5) and (6) to the Greenways trail, north of the subject site.

The petitioner proposes that all seventeen (17) lots be built with custom homes. All proposed custom homes must be consistent with the anti-monotony principles required by the Rural Lifestyle Initiative (RLI). If the developer wishes to offer model homes instead of custom homes on these lots, the models shall be approved by the Site Plan Committee.

The petitioner proposes vehicular access into the development from the northeast corner of the subject site. Vehicular traffic enters at this corner off Flamingo Road through a proposed access easement. The Town will be required to dedicate this access easement within the open space/trail parcel north of the subject site. The Land Development Code requires a minimum of two (2) parking spaces each custom single-family home. The total required number of spaces is thirty-four (34) based on number of lots/custom single-family dwelling units. The petitioner's propose custom homes with garages and driveways shall meet this requirement.

The petitioner's proposed single-family custom home residential development can be considered compatible with both existing and allowable uses on and adjacent to the property. Furthermore, the proposed Master Site Plan Application should maintain the existing Town of Davie rural living environment.

PREVIOUS ACTIONS: n/a

CONCURRENCES:

At the February 6, 2007 Site Plan Committee Meeting, Ms. Aitken made a motion, seconded by Ms. Lee, to table to March 13, 2007, subject to meeting with the Town's Urban Forester and Ms. Lee in order to walk the site and assess the buffer issue as well as label trees as discussed; subject to the Development Review Agency's [Committee's] comments; subject to staff's recommendations; and the following provisions: 1) exclude the ten-foot buffer at the northeast corner entrance from lot '2' and adjust the square footage of that lot accordingly; 2) install pavers or stamped concrete across the road to delineate the horse trail crossing with a fence and bollards installed to prevent motor vehicles from accessing the horse trail; 3) add a fence in addition to the hedge between the horse trail and the lots in the northern section at the time of lot construction so people do not incorporate the horse trails into their backyards; 4) site plan approval will be required for each individual house; 5) change the horse trail surface to stabilized sod; 6) provide a perimeter hedge along the buffer on Flamingo Road; and 7) continue the recreational trail coming from the northern boundary line along the west side of the entrance road until it reaches the sidewalk. **(Motion carried 3-0, Chair Breslau and Mr. Engel were absent)**

At the March 13, 2007 Site Plan Committee Meeting, Mr. Evans made a motion, seconded by Mr. Engel, to approve based on the seven items left over from the last meeting and the following: 1) that the applicant provide tree wells or retaining walls as required for the trees which were to remain and which the applicant would build around; 2) that the entrance road would not have any driveways connected onto it (just for that length of road that comes from Flamingo Road down to the loop); 3) check with Central Broward Water Control District on the berm and drainage easement; 4) add the sidewalk on the west side of the entrance road that enters the loop; 5) add 2x4 wood barricades for tree protection on all trees slated to remain on the tree landscape plan; 6) have a minimum Code black vinyl chain-link fence that separates the recreation trail from the site to be constructed before land development and to have gates from each lot into that pedestrian trail; 7) that the sheet L-1, dated 3/6/07 mitigation, will be done before the first certificate of occupancy is issued at this project; 8) that the southern property line and a portion of the western property line be cleaned up and the fence repaired (clean up is defined as removing the "invasive and exotics" on the applicant's property and those that have fallen onto the applicant's property); 9) that on each of the seven southern lots and when the landscaping was installed for the house that was being built, that four Oak trees 14-feet tall, be planted on each of those lots in addition to the Code requirement; and 10) that if the Central Broward Water Control District does not grant the variances that are needed, return to show the revisions to the Committee. **(Motion carried 5-0)**

FISCAL IMPACT: n/a

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

8. Shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
9. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.
10. Relocate the access easement out of fifteen (15) foot drainage easement between lots 5 and 6.
11. Provide the monetary funds required for the Town to construct the Westridge Trail system along the eastern boundary line.
12. Vacation application shall be submitted and approved by Town Council for Southwest 127th Avenue along the northwest portion of the subject site.
13. Contingent upon approval of the following development applications:
 - a. *Master Site Plan Application (MSP 11-2-05), Stonebridge Estates*
 - b. *Rezoning Application (ZB 11-1-05), Stonebridge Estates*
14. The petitioner shall work with the Town of Davie and establish legal access through the dedication of an easement for the required length on the open space/trail parcel located at the northeastern portion of the subject site.

Attachment(s): Resolution, Planning Report, Plat

Exhibit “A”

Application: MSP 11-2-05/06-07/Stonebridge Estates

Original Report Date: 1/25/07

Revision(s): 3/6/07, 3/15/07

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:

Name: ECATS 2 LLC
C/O Rhon Ernest-Jones Consulting Engineers, Inc.
Address: 12500 West Atlantic Boulevard
City: Coral Springs, Florida 33071
Phone: (954) 344-9855

Petitioner:

Name: Rhon Ernest-Jones Consulting Engineers, Inc.
Address: 12500 West Atlantic Boulevard
City: Coral Springs, Florida 33071
Phone: (954) 344-9855

Background Information

Application Request: The petitioner requests Master Site Plan approval for single-family custom homes residential development

Location: Generally located on the southwest corner of Southwest 26th Street and Flamingo Road

Future Land Use Plan Map: Residential 1 DU/AC

Existing Zoning: AG, Agricultural District

Proposed Zoning: R-1, Estate Dwelling District

Existing Use(s): Wood Stable

Parcel Size: 18.81 Acres (819,363 square feet)

Proposed Density: .9 Dwelling Units per Acre

Proposed Use(s): Seventeen (17) Single-Family Custom Homes on Builder Acre Lots

Surrounding Use(s):

North: Vacant Land
South: Stonebrooke Estates (Single-Family Homes)
East: Flamingo Road (Right-of Way)
West: Kapok & Peico Estates (Single-Family Homes)

Surrounding Land

Use Plan Map Designation(s):

Residential (1 DU/AC)
Residential (1 DU/AC)
Residential (1 DU/AC)
Residential (1 DU/AC)

Surrounding Zoning(s):

North: AG, Agricultural District
South: E, Estate District
East: AG, Agricultural District
West: AG, Agricultural District

Zoning History**Related Zoning History:**

Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Previous Request(s) on same property: n/a

Concurrent Request on same property:

Rezoning Application (ZB 12-1-05), the petitioner requests to rezone the 18.81 acre subject site from AG, Agricultural District to R-1, Estate Dwelling District.

Plat Application (P 3-2-06), the petitioner requests plat approval to construct seventeen (17) single-family custom homes on builder acre lots.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code, Article XII of the Land Development Code, Subdivisions and Site Plans.

Land Development Code, Article IX of the Land Development Code, Rural Lifestyle Regulations.

Land Development Code, §12-208 (A) (7), Requirements for off-street parking. Dwelling, single family, two (2) spaces for each dwelling unit.

Land Development Code (Section 12-24), (I) (2) Estate Dwelling (R-1) District: The R-1 District is intended to implement the one (1) dwelling unit per acre residential classification of the Town of Davie Comprehensive Plan and to provide estate residential areas with most of the noncommercial agricultural uses permitted providing a transition from agricultural land to residential dwelling units.

Land Development Code (Section 12-287) Conventional Single-Family Development Standards, (A) Minimum parcel requirements, Minimum lot area: 35,000 sq. ft., Minimum Lot Frontage/Width: 125 ft., Minimum Lot Depth: n/a, Minimum DU Floor Area: 2,400 sq. ft., Max building coverage: 25%; (B) Front building setbacks 30-40 ft., Side building setbacks 25 ft., Rear building setback 30 ft., and Maximum height 30 ft.

Land Development Code, (Section 12-33(L)(1)(a), Excavation Prohibited; Exception, It shall be unlawful to remove any material, including sand, gravel, rock or topsoil, from the premises except surplus not required for grading of the premise. Such surplus materials in excess of two hundred fifty (250) cubic yards may be removed from the premises only after the issuance of a special permit has been approved by the Town Council.

Land Development Code, (Section 12-373, Expiration of Site Plans, All site plans approved pursuant to this section shall expire twelve (12) months from the date of approval, which expiration shall automatically occur without further notice to the applicant for whom said plan was approved unless a Town of Davie construction permit is secured and maintained pursuant to the approved site plan.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Policy 5-2: The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

Future Land Use Plan, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The petitioner's submission indicates the following:

1. *Site:* The subject site is approximately 18.81 acres (819,363 square feet) in size and is located on the southwest corner of Southwest 26th Street and Flamingo Road. The petitioner is proposing a seventeen (17) custom single-family home development. The subject site currently consist of a wood stable and has a proposed zoning district of R-1, Estate Dwelling District with an underlying land use designation of Residential 1 DU/AC. To the north of the subject site is vacant parcels zoned AG, Agricultural District, to the east is Flamingo Road, to the south are single-family dwellings zoned E, Estate District, and to the west is a single-family dwelling zoned E, Estate District/AG, Agricultural District and Southwest 127th Avenue.

The petitioner's site layout appears to be consistent with the design principles of Rural Lifestyle requirements. The streets within the development are in a forty (40) foot public right-of-way and swales are provided to accommodate street trees. Pedestrian movement has been considered throughout this residential development with sidewalks provided on the lot side of the interior streets, an access point to and from Flamingo Road right-of-way, and a seven (7) foot recreational between lots (5) and (6) to the Greenways trail, north of the subject site.

2. *Architecture:* The petitioner proposes that all seventeen (17) lots be built with custom homes. All proposed custom homes must be consistent with the anti-monotony principles required by the Rural Lifestyle Initiative (RLI). If the developer wishes to offer model homes instead of custom homes on these lots, the models shall be approved by the Site Plan Committee.

3. *Access and Parking:* The petitioner proposes vehicular access into the development from the northeast corner of the subject site. Vehicular traffic enters at this corner off Flamingo Road through an access easement. The Town will be required to dedicate this access easement within the open space/trail parcel north of the subject site.

Land Development Code requires a minimum of two (2) parking spaces each custom single-family home. The total required number of spaces is thirty-four (34) based on number of lots/custom single-family dwelling units. The petitioner's propose custom homes with garages and driveways shall meet this requirement.

4. *Lighting:* The lighting plan design meets Land Development Code requirements with an average maintained illumination of not less than one (1) foot-candle in the pavement areas, and not less one-half (.5) foot-candle of light measured at grade level.
5. *Signage:* Signage is not part of this Master Site Plan application. All signs shall meet code prior to the issuance of a building permit.
6. *Landscaping:* The petitioner's site plan meets the minimum requirements as indicated in the Town of Davie, Land Development Code, and R-1, Estate Dwelling District. The landscape plan indicates that Live Oaks, Satin Leaf, Gumbo Limbo, Slash Pine, and White Geiger are provided along the rights-of-way of the subject site. All plant material within the required twenty-five (25) by twenty-five (25) foot site triangle are a maximum of thirty-six (36) inches in height. Furthermore, all trees on site are maintaining a minimum of 15' from light poles.
7. *Drainage:* The petitioner proposes a 2.33 acre lake in the center of the subject site. Additionally, between the several residential lots are proposed fifteen (15) foot drainage easements. It is important to note that the subject site lies within Central Broward Drainage District. Approval from Central Broward Drainage District shall be obtained prior to final Planning and Zoning Divisions signing off of site plans and the issuance of any site development permit.
8. *Trails:* The Westridge – Robbins Park Trail is located along the eastern boundary line. Additionally, the petitioner received Town Council approval to vacate 15' of Southwest 26th Street on June 7, 2006. This parcel was then dedicated back to the Town as an open space/trail parcel for the Town's adopted greenway.
9. *Flexibility Rule:* The petitioner is not proposing to utilize the Flexibility Rule for additional residential units in accordance with this Master Site Plan Application.
10. *Waiver Request(s):* The petitioner is not requesting any waivers in accordance with this Mater Site Plan Application.
11. *Local Concurrency:* As required in the Land Development Code, Section 12-323, Adopted Level of Services, building permits shall not be obtained unless there is sufficient available capacity to sustain the level of service for Potable Water, Sanitary Sewer, Transportation, Drainage System, Solid Waste, Recreation, Police and Fire.
12. *Compatibility:* The petitioner's proposed single-family custom home residential development can be considered compatible with both existing and allowable uses on and adjacent to the property. Furthermore, the proposed Master Site Plan Application should maintain the existing Town of Davie rural living environment.

Significant Development Review Agency Comments

The following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

Planning and Zoning Division:

1. This development application requires Central Broward Water Control District (CBWCD) approval prior to a scheduled Town Council Meeting. The petitioner may proceed with this application provided that a letter of acknowledgement, indicating the petitioner and owner have been informed by staff that this item may be tabled by Town of Davie Council without the proper CBWCD approval.
2. As per § 12-107 (A) (5), a required ten (10) foot landscape buffer is required along a portion of northeast boundary (parallel to proposed entrance) of the subject site.
3. The development of the Greenway along the northern boundary line shall consist of all the required planting material by Council approved cross-section.
4. The western portion of proposed access on Southwest 26th Street (entrance) is not closed off.
5. Lots 1, 7, 9, 10, 12, and 16 shall meet the minimum lot frontage of 125'. This may be accomplished through dedicating an access easement at the pole portion of the flag shape lots or adjusting the front setbacks accordingly.
6. Since lots 2 and 3 propose access off the main entrance road into the development, the front setback lines must be amended accordingly.
7. Separate out each dedicated parcel within the proposed development (i.e. Lake Parcel, Scenic Corridor Parcel, etc...). Additionally, provide the parcel name and size.
8. Provide the meets-and-bounds for all individual lots and dedicated parcels, remove unnecessary residential lot dimensions.
9. Provide the required setbacks for the proposed monument sign located at the north east corner of the proposed development. If placed in dedicated parcel to the Town, a developer's agreement is required. Additionally, the height and design (post sign) of the monument/wall sign does not meet code.
10. Provide a deceleration lane leading off Flamingo Road onto Southwest 26th Street (entrance) that will be required by FDOT.
11. As per §12-102 (O), Invasive exotic plant material. As a condition of development approval, the property owner shall remove all invasive exotic plant species from the property.

Engineering Division:

1. Provide 10 ft utility easement along all four boundaries. Utility easement cannot be located in proposed berm.
2. Provide an additional 10 ft equestrian easement along the northern boundary for a recreational trail. The Town is requesting the 10 ft equestrian trail be shown.
3. Provide 8 ft street swale for water quality treatment prior to sheet flow to the lake. Revise cross section "A-A." Only a 4 ft street swale is shown.
4. Provide a 10 ft roadway easement adjacent to northern boundary line from the eastern plat limit to the west of the proposed entrance opening (Approximately 170 ft west of eastern boundary line).
5. Provide 25 ft by 25 ft road right-of-way in the northwest corner of site for SW 127th Avenue and SW 26th Street intersections.
6. Relocate 30 ft by 30 ft lift station to the south of dedicated 25 ft by 25 ft road right-of-way or to a new location on site.
7. Show entire road right-of-way for Flamingo Road.

8. Provide drainage easement in conformance with CBWCD. CBWCD approval is required for the proposed drainage easements.
 9. Construct recreational trail along northern boundary line and within the road right-of-way area. The trail will be constructed along the northern boundary from the western portion of proposed entrance to SW 127th Avenue.
-

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. The petitioner originally conducted meetings with the public on January 11, 2006 and January 18, 2006 at the Eastside Community Hall. Attached is the petitioner's citizen participation information.

Staff Analysis

The petitioner's site design meets the intent of the R-1, Estate Dwelling District. The propose Master Site Plan is consistent with the Comprehensive Plan and Land Development Code as it relates to access, location, size, and use. Development of this site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation.

Staff Findings of Fact

Staff finds that the Master Site Plan complies with the general purpose and intent of the R-1, Estate Dwelling District. Furthermore, the Master Site Plan is in conformance with all applicable Codes and Ordinances in terms of site design, circulation, setbacks and buffering, and parking requirements. The proposed Master Site Plan can be considered compatible with the surrounding uses and properties.

Staff Recommendation

Staff finds the application complete and suitable for transmittal to the Site Plan Committee and Town Council for further consideration.

1. Provide decorative (i.e. pavers) crosswalks at the entrance point of the development, as well as, internal sidewalk crossings.
2. Relocate the access easement out of fifteen (15) foot drainage easement between lots 5 and 6.
3. Provide the monetary funds required for the Town to construct the Westridge Trail system along the eastern boundary line.
4. Vacation application shall be submitted and approved by Town Council for Southwest 127th Avenue along the northwest portion of the subject site.
5. The Town of Davie shall dedicate an easement on the Open Space/Trail parcel to ensure access into the proposed residential development prior to Planning and Zoning Division's final sign-off of the three (3) Master Site Plan Packets.
6. Contingent upon approval of the following development applications:
 - a. *Plat Application (P 3-2-06), Stonebridge Estates*
 - b. *Rezoning Application (ZB 11-1-05), Stonebridge Estates*
7. The petitioner shall work with the Town of Davie and establish legal access through the dedication of an easement for the required length on the open space/trail parcel located at the northeastern portion of the subject site.

Site Plan Committee Recommendation

At the February 6, 2007 Site Plan Committee Meeting, Ms. Aitken made a motion, seconded by Ms. Lee, to table to March 13, 2007, subject to meeting with the Town's Urban Forester and Ms. Lee in order to walk the site and assess the buffer issue as well as label trees as discussed; subject to the Development Review Agency's [Committee's] comments; subject to staff's recommendations; and the following provisions: 1) exclude the ten-foot buffer at the northeast corner entrance from lot '2' and adjust the square footage of that lot accordingly; 2) install pavers or stamped concrete across the road to delineate the horse trail crossing with a fence and bollards installed to prevent motor vehicles from accessing the horse trail; 3) add a fence in addition to the hedge between the horse trail and the lots in the northern section at the time of lot construction so people do not incorporate the horse trails into their backyards; 4) site plan approval will be required for each individual house; 5) change the horse trail surface to stabilized sod; 6) provide a perimeter hedge along the buffer on Flamingo Road; and 7) continue the recreational trail coming from the northern boundary line along the west side of the entrance road until it reaches the sidewalk. **(Motion carried 3-0, Chair Breslau and Mr. Engel were absent)**

At the March 13, 2007 Site Plan Committee Meeting, Mr. Evans made a motion, seconded by Mr. Engel, to approve based on the seven items left over from the last meeting and the following: 1) that the applicant provide tree wells or retaining walls as required for the trees which were to remain and which the applicant would build around; 2) that the entrance road would not have any driveways connected onto it (just for that length of road that comes from Flamingo Road down to the loop); 3) check with Central Broward Water Control District on the berm and drainage easement; 4) add the sidewalk on the west side of the entrance road that enters the loop; 5) add 2x4 wood barricades for tree protection on all trees slated to remain on the tree landscape plan; 6) have a minimum Code black vinyl chain-link fence that separates the recreation trail from the site to be constructed before land development and to have gates from each lot into that pedestrian trail; 7) that the sheet L-1, dated 3/6/07 mitigation, will be done before the first certificate of occupancy is issued at this project; 8) that the southern property line and a portion of the western property line be cleaned up and the fence repaired (clean up is defined as removing the "invasive and exotics" on the applicant's property and those that have fallen onto the applicant's property); 9) that on each of the seven southern lots and when the landscaping was installed for the house that was being built, that four Oak trees 14-feet tall, be planted on each of those lots in addition to the Code requirement; and 10) that if the Central Broward Water Control District does not grant the variances that are needed, return to show the revisions to the Committee. **(Motion carried 5-0)**

Town Council Action

Exhibits

1. 1,000' Mail out Radius Map
 2. Property Owners within 1,000' of the Subject Site
 3. Public Participation Notice
 4. Public Participation Sign-in Sheet
 5. Public Participation Summaries
 6. Public Participation Report
 7. Future Land Use Plan Map
 8. Aerial, Zoning, and Subject Site Map
-

Prepared by: _____

Reviewed by: _____

File Location: P&Z\David Abramson\Applications\MSP_Master Site Plan\MSP_05\MSP 11-2-05 Stone Bridge Estates

1,000' Mailout Buffer

Subject Site

SW 26TH ST

SW 27TH ST

S FLAMINGO RD

S BROWARD RD

N STONEBROOK CIR

E STONEBROOK CIR

BROOKWOOD CT

STONEBROOK DR

KAPOK LN

FRONTAGE RD

SW 12TH AVE

SW 13TH AVE

SW 14TH AVE

SW 15TH AVE

SW 16TH AVE

SW 17TH AVE

SW 18TH AVE

SW 19TH AVE

SW 20TH AVE

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SW 286TH AVE

SW 287TH AVE

Exhibit 2 (Property Owners within 1,000' of Subject Site)

| FOLIO | NAME | MAIL_ADDR | MAIL_ADDR1 |
|--------------|---------------------------------|----------------------------|--------------------------------|
| 504023090380 | ABRAHAM,HARVEY S & CHARLOTTE G | 12542 BROOKWOOD CT | DAVIE FL 33330 |
| 504023091050 | AGUILAR,VIANCA P | 12854 STONEBROOK DR | DAVIE FL 33330 |
| 504023091130 | AIKMAN,NOELLE | 12825 STONEBROOK DR | DAVIE FL 33330 |
| 504014130070 | ALVAREZ,STEWART & AMY JO | 12791 SW 26 ST | DAVIE FL 33325 |
| 504024010311 | ANIMALS RECREATION & | 2670 S FLAMINGO ROAD | DAVIE FL 33330-1302 |
| 504024010310 | ANIMALS RECREATION & | 2670 S FLAMINGO ROAD | DAVIE FL 33330 |
| 504023090400 | ARMSTRONG,BRUCE | 12543 BROOKWOOD CT | DAVIE FL 33330 |
| 504024010280 | BANGE,PAUL E & Nanci | 2950 S FLAMINGO RD | DAVIE FL 33330-1308 |
| 504024010282 | BANGE,PAUL E & Nanci | 2950 S FLAMINGO RD | DAVIE FL 33330-1308 |
| 504023091150 | BARRAU,CARMEL & JOSEE LAMOUR | 12765 STONEBROOK DR | DAVIE FL 33330 |
| 504023090530 | BECERRA,MARIA E | 2850 W STONEBROOK CIR | DAVIE FL 33330 |
| 504014130040 | BENSON,HAYWARD STEPHAN | 2017 NW 46 AVE #205A | LAUDERHILL FL 33313 |
| 504024010190 | BLACKANN,ALISON L & | 2751 SW 121 AVE | DAVIE FL 33330-1311 |
| 504024010181 | BOVIE,JOSEPHINE | 2695 SW 121ST TER | DAVIE FL 33330-1319 |
| 504023090570 | BROWN,GARY L & MINDY H | 2753 W STONEBROOK CIR | DAVIE FL 33330 |
| 504023091200 | BURK,RONALD L & | 12750 KAPOK LANE | DAVIE FL 33330 |
| 504024010183 | CARDONA,MARTHA L | 2691 SW 122 TER | DAVIE FL 33330-1300 |
| 504023090490 | CHANCE,VICTOR B & KIMBERLI A | 12560 N STONEBROOK CIR | DAVIE FL 33330 |
| 504023090630 | CHARLES,PAUL PATRICK & MARIE Y | 12481 N STONEBROOK CIR | DAVIE FL 33331 |
| 504023090430 | CHWOJKO,EDWARD & KATARZYNA | 2901 E STONEBROOK CIR | DAVIE FL 33330 |
| 504023090360 | COLE,JAMIE A & DEBRA L | 12462 BROOKWOOD CT | DAVIE FL 33330 |
| 504014130090 | COLEMAN,ANGIENETTA & | 12731 SW 26 ST | DAVIE FL 33325 |
| 504023091260 | COOTE,MICHAEL & | 12861 KAPOK LANE | DAVIE FL 33330 |
| 504024010210 | CUTINO,VICTOR | 2995 SW 121 AVE | DAVIE FL 33330 |
| 504023090440 | DAVID,MARTHA LAURIE & | 2851 E STONEBROOK CIR | DAVIE FL 33330 |
| 504014010380 | DIBIASE,DOROTHY FAM LTD | PO BOX 780 | LYNNFIELD MA 01940 |
| 504014010430 | DIBIASE,DOROTHY FAM LTD | PO BOX 780 | LYNNFIELD MA 01940 |
| 504014010371 | DIBIASE,DOROTHY FAM LTD | PO BOX 780 | LYNNFIELD MA 01940 |
| 504014010441 | DIBIASE,DOROTHY FAM LTD | PO BOX 780 | LYNNFIELD MA 01940 |
| 504023091000 | DISORBO,ALDO L | 12704 STONEBROOK DR | DAVIE FL 33330 |
| 504023010010 | ECATS 2 LLC | 10885 NW 6 ST | CORAL SPRINGS FL 33071 |
| 504013010222 | FLORIDA DEPT. OF TRANSPORTATION | 3400 WEST COMMERCIAL BLVD. | FORT LAUDERDALE, FL 33309-3421 |
| 504013010247 | FLORIDA DEPT. OF TRANSPORTATION | 3400 WEST COMMERCIAL BLVD. | FORT LAUDERDALE, FL 33309-3421 |
| 504024010320 | FLORIDA DEPT. OF TRANSPORTATION | 3400 WEST COMMERCIAL BLVD. | FORT LAUDERDALE, FL 33309-3421 |
| 504024010292 | FLORIDA DEPT. OF TRANSPORTATION | 3400 WEST COMMERCIAL BLVD. | FORT LAUDERDALE, FL 33309-3421 |
| 504024010281 | FLORIDA DEPT. OF TRANSPORTATION | 3400 WEST COMMERCIAL BLVD. | FORT LAUDERDALE, FL 33309-3421 |
| 504014130030 | FRIEDEWALD,DON E JR & | 12911 SW 26 ST | DAVIE FL 33325 |
| 504024010180 | FROHRING,C A & LINDA J | 2690 SW 122ND TER | DAVIE FL 33330-1333 |
| 504023091160 | GLOVER,JOHN D & | 12735 STONEBROOK DR | DAVIE FL 33330 |
| 504023090550 | GOLDMAN,WAYNE & MARYANNE | 2853 W STONEBROOK CIR | DAVIE FL 33330 |
| 504024010174 | GREY,CAROL LYNNE REV TR | 2670 SW 122 TER | DAVIE FL 33330-1333 |
| 504024010177 | GRINER,W B & CHERYL L LE | 2675 SW 121ST TER | DAVIE FL 33330-1319 |
| 504023090470 | GRODSKY,ALAN & | 12480 N STONEBROOK CIR | DAVIE FL 33330 |
| 504023090350 | HAKOPIAN,AMBAKUM & NINA | 2951 E STONEBROOK CIR | DAVIE FL 33330 |
| 504023090560 | HOCHSTEIN,ROBERT | 2803 W STONEBROOK CIR | DAVIE FL 33330 |
| 504023090390 | HOOD,SCOTT D & | 12583 BROOKWOOD CT | DAVIE FL 33325 |
| 504023091190 | HUBSCHMAN,DEBORAH ANN | 12800 KAPOK LANE | DAVIE FL 33330 |
| 504023091180 | ITEN,LOUIS J & | 12850 KAPOK LANE | DAVIE FL 33330 |
| 504023090480 | JAROLEM,KENNETH & ALISA | 12520 N STONEBROOK CIR | DAVIE FL 33331 |

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|--------------|-------------------------------------|------------------------|---------------------------|
| 504014130100 | JOBSON-POUX,EMMANUEL B & | 12701 SW 26 ST | DAVIE FL 33325 |
| 504023090510 | KENNEDY,K SCOTT & GAIL | 12640 N STONEBROOK CIR | DAVIE FL 33330 |
| 504023090420 | KNIGHT,SAMMY D & FRED A L | 12463 BROOKWOOD CT | DAVIE FL 33331 |
| 504023090540 | LAWRENCE,KRISHNA WILLIAM | 2900 W STONEBROOK CIR | DAVIE FL 33330 |
| 504023090580 | LEONE,EVELYNE & | 12681 N STONEBROOK CIR | DAVIE FL 33330-1297 |
| 504014140050 | LETO,JOHN A SR & JOAN A | 3100 STIRLING RD | HOLLYWOOD FL 33021 |
| 504014140040 | LETO,JOHN A SR TR | 3100 STIRLING ROAD | HOLLYWOOD FL 33021 |
| 504014140070 | LETO,JOHN A SR TR | 3100 STIRLING ROAD | HOLLYWOOD FL 33021 |
| 504023090610 | LEWIN,HARLEY | 12561 N STONEBROOK CIR | DAVIE FL 33330 |
| 504023090640 | LEWIN,ROBERT & LISA | 12441 N STONEBROOK CIR | DAVIE FL 33331 |
| 504023090410 | LEWIS,JACK A & | 12503 BROOKWOOD CT | DAVIE FL 33330 |
| 504014010541 | MIELE,VERONICA | 2421 SW 127TH AVE | DAVIE FL 33325-5600 |
| 504014010541 | MIELE,VERONICA | 2421 SW 127TH AVE | DAVIE FL 33325-5600 |
| 504023091230 | MIXON,KENNETH J & DARCEE J | 12741 KOPAK LANE | DAVIE FL 33330 |
| 504013110020 | MOSES FAMILY LTD PRNTR | 2799 NW 55 AVE | LAUDERHILL FL 33313 |
| 504013110010 | MOSES FAMILY LTD PRNTR | 2799 NW 55 AVE | LAUDERHILL FL 33313 |
| 504023090620 | MUNN,HENSLEY R & CYNTHIA E | 235-15 129 AVE | LAURELTON QUEENS NY 11422 |
| 504023090500 | OGDEN,WILLIAM F III | 12600 N STONEBROOK CIR | DAVIE FL 33330 |
| 504014010420 | PACC DEVELOPMENT LLC | 7116 SW 47 ST | MIAMI FL 33155 |
| 504014010410 | PACC DEVELOPMENT LLC | 7116 SW 47 ST | MIAMI FL 33155 |
| 504023091220 | PATITUCCI,JOHN & FLORENCE & | 12701 KAPOK LANE | DAVIE FL 33330 |
| 504014010391 | PEGG,WILLIAM S & NANCY P & | RR2 BOX 3408 | NASHVILLE GA 31639 |
| 504023070020 | PENSABENE,JOSEPH T & | 12732 SW 26 ST | DAVIE FL 33325 |
| 504023091020 | PHILLIPS,RICHARD & CAROL | 12764 STONEBROOK DR | DAVIE FL 33331 |
| 504024010171 | PLASENCIA,OSCAR | 2603 SW 122 AVE | DAVIE FL 33330-1329 |
| 504024010300 | PRIOR,PETER W & GAIL A | 2780 S FLAMINGO RD | DAVIE FL 33330-1304 |
| 504014010540 | REJA ENTERPRISES INC | 2203C S FEDERAL HWY | FT LAUDERDALE FL 33316 |
| 504014010545 | REJA ENTERPRISES INC | 2203C S FEDERAL HWY | FT LAUDERDALE FL 33316 |
| 504014010544 | REJA ENTERPRISES INC | 2203C S FEDERAL HWY | FT LAUDERDALE FL 33316 |
| 504014130060 | RENNER,MARK & | 12821 SW 26 ST | DAVIE FL 33325 |
| 504023070080 | RODRIGUEZ,LUIS D | 12912 SW 26 ST | DAVIE FL 33325 |
| 504023090600 | RUZICKA,THOMAS F & | 12601 N STONEBROOK CIR | DAVIE FL 33330 |
| 504023090340 | SANCHEZ,ALFONSO & | 3001 E STONEBROOK CIR | DAVIE FL 33330 |
| 504023091280 | SAUNDERS,ANGEL F & | 12941 KAPOK LANE | DAVIE FL 33330 |
| 504023090370 | SCHUBERT,ROBERT | 12502 BROOKWOOD CT | DAVIE FL 33330 |
| 504023091010 | SCHUMACKER,JOSEPH P & JANELDA R | 12734 STONEBROOK DR | DAVIE FL 33330 |
| 504023070070 | SIEROCUK,THOMAS & DARLENE | 12882 SW 26 ST | DAVIE FL 33325 |
| 504023070070 | SIEROCUK,THOMAS & DARLENE | 12882 SW 26 ST | DAVIE FL 33325 |
| 504023070060 | SILVERMAN,ANDREW L | 12852 SW 26 ST | DAVIE FL 33330 |
| 504024010185 | SKIDMORE,ALAN G | 2602 SW 122ND AVE | DAVIE FL 33330-1330 |
| 504023091210 | SLEIPNES,SVEIN & | 12700 KAPOK LANE | DAVIE FL 33330 |
| 504024010184 | SOHMER,PAUL & DONNA | 2651 SW 122ND TER | DAVIE FL 33330-1300 |
| 504023090520 | SORENSEN,DAVID R & SHIRLEY A | 2800 W STONEBROOK CIR | DAVIE FL 38330 |
| 504023091270 | SPRADLIN,ALAN L & | 12901 KAPOK LANE | DAVIE FL 33330-1294 |
| 504023091300 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091330 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091420 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091400 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091320 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091390 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |

| | | | |
|--------------|----------------------------------|------------------------|-----------------------------|
| 504023091380 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091370 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091360 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091340 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091430 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091350 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023090650 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091240 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091250 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091290 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091040 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091120 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091110 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091100 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091030 | SUITE,NICHOLAS & NANCY | 12794 STONEBROOK DR | DAVIE FL 33330 |
| 504023090460 | THOMPSON,ADAM M | 12440 N STONEBROOK CIR | DAVIE FL 33330 |
| 504014010550 | TODINCA,GEORGE & VALERIA ETAL | 2525 SW 127 AVE | DAVIE FL 33325 |
| 504023070050 | TORAL,ALEJANDRO & ILLANA M | 12822 SW 26 ST | DAVIE FL 33330 |
| 504024010321 | TOWN OF DAVIE | 6591 ORANGE DR | DAVIE FL 33314-3348 |
| 504013010246 | TOWN OF DAVIE | 6591 ORANGE DR | DAVIE FL 33314-3348 |
| 504024010170 | TOWN OF DAVIE | 6591 ORANGE DR | DAVIE FL 33314-3348 |
| 504023020010 | TOWN OF DAVIE | 6591 ORANGE DR | DAVIE FL 33314-3348 |
| 504014010390 | TROMBINO,KATHLEEN M REV TR | 2920 N ATLANTIC BLVD | FT LAUDERDALE FL 33308-7512 |
| 504014010531 | VIETNAMESE BUDDHIST CULTURAL | 2321 SW 127 AVE | DAVIE FL 33325 |
| 504014130080 | WARREN,DAVID & CHARLENE | 12761 SW 26 ST | DAVIE FL 33325 |
| 504023091140 | WATSON,ANTHONY & DESIREE | 75 GLEN AVE | WEST ORANGE NJ 07052 |
| 504023091170 | WATSON,PAMELLA B & | 12900 KAPOK LANE | DAVIE FL 33330 |
| 504013010249 | WEEKLEY BROS LEASING LTD | 20701 STIRLING ROAD | PEMBROKE PINES FL 33332 |
| 504013090030 | WEEKLEY BROS LEASING LTD | 20701 STIRLING ROAD | PEMBROKE PINES FL 33322 |
| 504013090020 | WEEKLEY BROS LEASING LTD | 20701 STIRLING ROAD | PEMBROKE PINES FL 33322 |
| 504013090010 | WEEKLEY BROS LEASING LTD | 20701 STIRLING ROAD | PEMBROKE PINES FL 33322 |
| 504013010242 | WEEKLEY,DANIEL D & | 20701 STIRLING RD | PEMBROKE PINES FL 33332 |
| 504013010251 | WEEKLEY,DANIEL D & | 20701 STIRLING RD | PEMBROKE PINES FL 33332 |
| 504023070030 | WESTCOTT,PAUL L & DONNA R | 12762 SW 26 ST | DAVIE FL 33325 |
| 504023070010 | WILSON HEIGHTS DEV INC | 3842 W 16 AVE | HIALEAH FL 33012 |
| 504014130050 | WILSON HEIGHTS DEV INC | 3842 W 16 AVE | HIALEAH FL 33012 |
| 504014010400 | WOOD,ROBERT L | 2075 S FLAMINGO RD | DAVIE FL 33325 |
| 504023090450 | YOUNG,KEVIN D & HEATHER L | 2801 E STONEBROOK CIR | DAVIE FL 33330 |
| 504024010193 | ZAFRANI,ABRAHAM | 2800 S FLAMINGO ROAD | DAVIE FL 33330 |
| 504024010192 | ZAFRANI,ABRAHAM | 2800 S FLAMINGO ROAD | DAVIE FL 33330 |
| 504024010200 | ZAFRANI,ABRAHAM | 2800 S FLAMINGO ROAD | DAVIE FL 33330 |
| 504024010201 | ZAFRANI,ABRAHAM | 2800 S FLAMINGO ROAD | DAVIE FL 33330 |
| 504024010290 | ZAFRANI,ABRAHAM | 2800 S FLAMINGO ROAD | DAVIE FL 33330 |
| 504023070040 | ZAMORA,WILFREDO E & MARIA A | 12792 SW 26 ST | DAVIE FL 33325 |
| 504023090590 | ZVEIBIL,ROBERT & | 12641 N STONEBROOK CIR | DAVIE FL 33330 |

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.

CIVIL ENGINEERS • LAND PLANNERS
TRANSPORTATION PLANNERS • LANDSCAPE ARCHITECTS

CITIZEN PARTICIPATION PLAN ACKNOWLEDGEMENT

December 28, 2005

Town of Davie
Development Services Department
Planning and Zoning Division
6591 Orange Drive
Davie, Florida 33314

**Re: Citizen Participation Plan for Oak Park Estates
Town of Davie Project Number MSP 11-2-05**

Dear Staff:

As required by Davie Ordinance No. 2004-31, Rhon Ernest-Jones Consulting Engineers is enclosing herewith a copy of the proposed citizen participation plan related to an approval for the proposed referenced application. In addition to the outline of the plan, we are enclosing and providing for the following:

1. A list of residents and/or property owners, interested parties, and public agencies that may be affected by the application, as set forth in the Davie Code of Ordinances, and as provided by the Town of Davie's Development Services Department;
2. A summary of how the applicant proposes that it will notify all "affected parties" of the application;
3. A summary of the proposed application;
4. A description of the manner in which the applicant proposes that it will disseminate information to residents, property owners and/or interested parties;
5. A schedule of events planned by the applicant to complete the citizen participation procedure. As required, the applicant intends to conduct a minimum of two (2) public meetings with "affected parties". This requirement may be waived if letters from all adjacent affected parties state that all of their items have been addressed, and there is no need for another meeting with the applicant; and
6. A requirement that the applicant shall keep the Development Services Department informed on the status of its citizen participation efforts by coordinating its efforts through the assigned project planner.

The information above should satisfy the requirements of the public participation and the application review process.

Sincerely,



Craig L. Bencz, AICP
Director of Planning

12500 WEST ATLANTIC BOULEVARD CORAL SPRINGS, FLORIDA 33071 Tel: 954.344.9855 Fax: 954.341.5961
Professional Engineer License: ES83331 www.rejce.com Landscape Architect License: LC0000287

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.

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OAK PARK ESTATES
CITIZEN PARTICIPATION PLAN FLOW CHART

Schedule two (2) public meetings for January 11 and January 18, 2006 at the Town of Davie Eastside Community Hall, located at 4300 SW 55 Avenue, to discuss the proposed application. These two (2) meetings must be completed prior to the petitioner's scheduled Public DRC meeting.



Notify property owners and interested parties about the public meeting. The mail out list will be supplied by the Town of Davie Planning and Zoning Division.



The petitioner is to present the project at the first meeting and listen to comments and/or suggestions made by the public participants. The first meeting shall be held at a public facility. In addition, the petitioner needs to have a sign-in sheet and take minutes of this meeting.



The petitioner must take a week and work out possible solutions to address concerns raised by the public.



The petitioner is to present the project at the second meeting and provide solutions and/or further information concerning the public participants' inquiries. The second meeting shall be held at a public facility. In addition, the petitioner needs to have a sign-in sheet and take minutes of this meeting.



The petitioner shall provide Planning and Zoning a response in writing of the results of the two (2) Public Participation Plan meetings.

RHON ERNEST-JONES
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**CITIZEN PARTICIPATION PLAN FOR
OAK PARK ESTATES (APPLICATION NO. MSP 11-2-05)**

Project Description

The subject project is located at the southwest corner of Flamingo Road and SW 26th Street (unimproved) in the Town of Davie. The project proposes the construction of 17 single-family estate homes on lots at least 35,000 square feet in size. The subject parcel of land is 18.9 net acres in size, and the proposed site density is less than one unit per acre.

Access to the site will be made from improvements to SW 26th Street. To the greatest extent possible, the applicant proposes to preserve the existing trees onsite, as well as add substantial tree canopy in buffer and recreation areas. The conceptual housing footprints are organized in such a way as to maximize existing tree canopy.

Contact Information

Craig Bencz, AICP
Director of Planning
Rhon Ernest-Jones Consulting Engineers, Inc.
12500 West Atlantic Boulevard
Coral Springs, FL 33071

Ph: 954-344-9855 ext. 106
Fax: 954-341-5961
e-mail: craig@rejce.com

List of Residents and/or Property Owners and Interested Parties

(ATTACHED)

Notification Procedure

Property owners will be notified of each of the community meetings at least ten (10) days in advance of the first meeting date by postmarked U.S. mail. The meeting notice format and supporting materials provided to property owners will be typical of that provided as a guideline by the Town of Davie.

In addition to the above, the application will provide the Planning and Zoning office, as well as the Town Clerk's office with a copy of the meeting notification.

Dissemination of Information

A meeting notice (using example provided by Town) will be mailed out to those property owners included on the list provided by the Town. The notice will include a location map of the site, as

12500 WEST ATLANTIC BOULEVARD CORAL SPRINGS, FLORIDA 33071 Tel: 954.344.9855 Fax: 954.341.5961
Professional Engineer License # 884437 www.rejce.com Landscape Architect License # LC00000397

well as a copy of the preliminary site plan. A color conceptual site plan will be presented at the meeting, and public input will be solicited.

Schedule of Events

The applicant proposes to solicit community opinion at the following meetings:

First Citizen Participation Meeting:

Date: January 11, 2006
Time: 6:00 p.m.
Location: Eastside Community Hall, 4300 SW 55 Avenue, Davie

Second Citizen Participation Meeting:

Date: January 18, 2006
Time: 6:00 p.m.
Location: Eastside Community Hall, 4300 SW 55 Avenue, Davie

Rhon Ernest-Jones Consulting Engineers, Inc.

OAK PARK ESTATES -- MSP 11-2-05

| PROPERTY OWNER | MAILING ADDRESS | CITY, STATE, ZIP |
|---|------------------------------|--------------------------------|
| Abraham, Harvey & Charlotte | 12542 Brookwood Court | Davie, FL 33330 |
| Albarracin, Alvaro & Madelyn | 12543 Brookwood Court | Davie, FL 33330 |
| Alvarez, Stewart & Amy Jo | 12791 S.W. 26th Street | Davie, FL 33325 |
| Animals Recreation & Rehab Center, LLC | 2670 S. Flamingo Road | Davie, FL 33330-1302 |
| Avino, Julio & Ada | 13236 S.W. 36th Street | Miramar, FL 33027 |
| Bange, Paul & Nanci | 2950 S. Flamingo Road | Davie, FL 33330-1308 |
| Barrau, Carmel & Lamour, Josee | 12765 Stonebrook Drive | Davie, FL 33330 |
| Becerra, Maria | 2850 W. Stonebrook Circle | Davie, FL 33330 |
| Benson, Hayward Stephan | 2017 N.W. 46th Avenue, #205A | Lauderhill, FL 33313 |
| Blackann, Alison & Horvath, Ronald | 2751 S.W. 121st Avenue | Davie, FL 33330-1311 |
| Bovie, Josephine | 2695 S.W. 121st Terrace | Davie, FL 33330-1319 |
| Brown, Gary & Mindy | 2753 W. Stonebrook Circle | Davie, FL 33330 |
| Burk, Ronald & Lisa | 12750 Kapok Lane | Davie, FL 33330 |
| Cardona, Martha | 2691 S.W. 122nd Terrace | Davie, FL 33330-1300 |
| Chance, Victor & Kimberly | 12580 N. Stonebrook Circle | Davie, FL 33330 |
| Charles, Paul, Patrick & Marie | 12481 N. Stonebrook Circle | Davie, FL 33331 |
| Chwojko, Edward & Katarzyna | 2901 E. Stonebrook Circle | Davie, FL 33330 |
| Cole, Jamie & Debra | 12462 Brookwood Court | Davie, FL 33330 |
| Coote, Michael | 12861 Kapok Lane | Davie, FL 33330 |
| Cutino, Victor | 2995 S.W. 121st Avenue | Davie, FL 33330 |
| De Castillo, Ricardo & Ana Perez | 12681 N. Stonebrook Circle | Davie, FL 33330 |
| DiBiasi, Dorothy Family Limited Partnership | P. O. Box 780 | Lynnfield, MA 01940 |
| Friedewald, Jr., Don & Ridgeway, Donna | 12911 S.W. 26th Street | Davie, FL 33325 |
| Frohning, C.A. & Linda | 2690 S.W. 122nd Terrace | Davie, FL 33330 |
| Garrett, Shawn | 12704 Stonebrook Drive | Davie, FL 33330 |
| Gilmore, Robert & Sandra | 12641 N. Stonebrook Circle | Davie, FL 33330 |
| Glover, John | 12735 Stonebrook Drive | Davie, FL 33330 |
| Goldman, Wayne & Maryanne | 2853 W. Stonebrook Circle | Davie, FL 33330 |
| Grey, Carol | 2670 S.W. 122nd Terrace | Fort Lauderdale, FL 33330-1333 |
| Griner, W.B. & Cheryl | 2675 S.W. 121st Terrace | Davie, FL 33330-1319 |
| Grodsky, Alan & Adele | 12480 N. Stonebrook Circle | Davie, FL 33330 |
| Hakopian, Ambakum & Nina | 2951 E. Stonebrook Circle | Davie, FL 33330 |
| Hochstein, Robert | 1877 Harbour Point Circle | Weston, FL 33327 |
| Hood, Scott | 12583 Brookwood Court | Davie, FL 33325 |
| Hubschman, Deborah Ann | 12800 Kapok Lane | Davie, FL 33330 |
| Iten, Louis & Patricia | 12850 Kapok Lane | Davie, FL 33330 |
| Jarolem, Kenneth & Ailsa | 12520 N. Stonebrook Circle | Davie, FL 33331 |
| Kennedy, Scott & Gail | 12640 N. Stonebrook Circle | Davie, FL 33330 |
| Knight, Sammy & Freda | 12463 Brookwood Court | Davie, FL 33331 |
| Lawrence, Krishna William | 2900 W. Stonebrook Circle | Davie, FL 33330 |
| Leto, Sr., John & Joan | 2550 Noah Place | Davie, FL 33325 |
| Leto, Sr. John | 5121 Jackson Street | Hollywood, FL 33021-7233 |
| Lewin, Harley | 12561 N. Stonebrook Circle | Davie, FL 33330 |
| Lewin, Robert & Lisa | 12441 N. Stonebrook Circle | Davie, FL 33331 |
| Lewis, Jack | 12503 Brookwood Court | Davie, FL 33330 |
| Linares, Carlos & Judy | 12941 Kapok Lane | Davie, FL 33330 |
| Miele, Veronica | 2421 S.W. 127th Avenue | Davie, FL 33325-5600 |
| Mixon, Kenneth & Darcee | 12741 Kopak Lane | Davie, FL 33330 |
| Moren Enterprise in Davie, LLC | 6233 N. University Drive | Tamarac, FL 33334 |
| Moses Family Limited Partnership | 2799 N.W. 55th Avenue | Lauderhill, FL 33313 |
| Munn, Hensley & Cynthia | 235-15 129th Avenue | Laurelton Queens, NY 11422 |
| Nichols Associates, Ltd. | 5021 S.W. 51st Street | Davie, FL 33314-5509 |
| PACC Development, LCC | 7116 S.W. 47th Street | Miami, FL 33155 |
| Pegg, Joe, Pegg, W.S. Pegg, H.S. Pegg Et Uxes | RR2 Box 3408 | Nashville, GA 31639 |
| Phillips, Richard & Carol | 12764 Stonebrook Drive | Davie, FL 33331 |

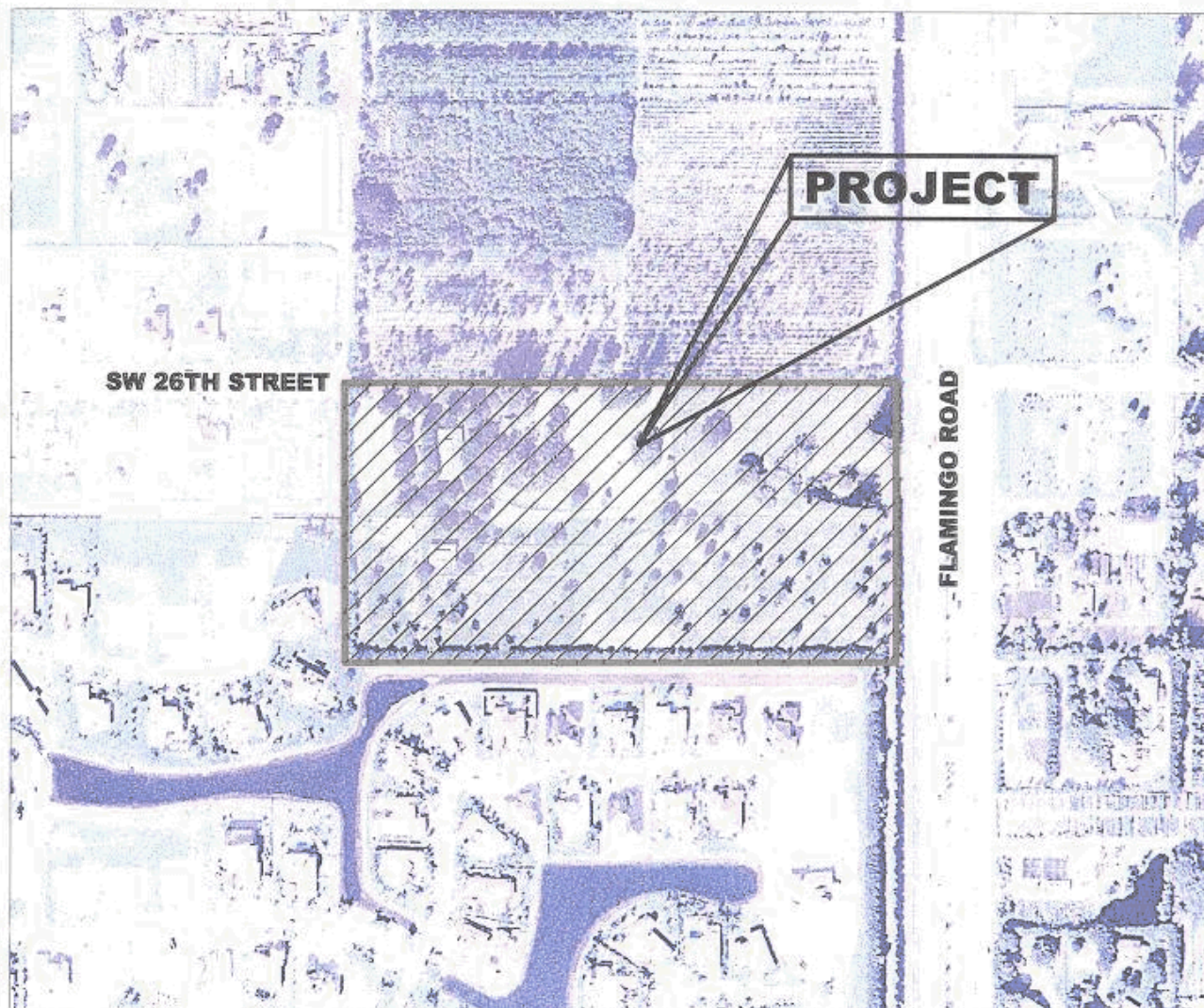
OAK PARK ESTATES -- MSP 11-2-05

| PROPERTY OWNER | MAILING ADDRESS | CITY, STATE, ZIP |
|--|--------------------------------------|--------------------------------|
| Plasencia, Oscar | 2603 S.W. 122nd Avenue | Davie, FL 33330-1329 |
| Prior, Peter & Gail | 2780 S. Flamingo Road | Davie, FL 33330-1304 |
| REJA Enterprises, Inc. | 1300 S.W. 17th Street Causeway, #202 | Fort Lauderdale, FL 33316 |
| Renner, Mark | 1604 Salerno Circle | Weston, FL 33327 |
| Riley, Everette & Charleen | 2851 E. Stonebrook Circle | Davie, FL 33330 |
| Rodriguez, Luis | 12912 S.W. 26th Street | Davie, FL 33325 |
| Ruzicka, Thomas | 12601 N. Stonebrook Circle | Davie, FL 33330 |
| Sacco, Leon & Corina | 12854 Stonebrook Drive | Davie, FL 33330 |
| Saffile, Edward | 12701 Kapok Lane | Davie, FL 33330 |
| Schubert, Robert | 12502 Brookwood Court | Davie, FL 33330 |
| Schumacker, Joseph & Janelda | 12734 Stonebrook Drive | Davie, FL 33330 |
| Sierocuk, Thomas & Darlene | 12882 S.W. 26th Street | Davie, FL 33325 |
| Silverman, Andrew | 12852 S.W. 26th Street | Davie, FL 33330 |
| Skidmore, Alan | 2602 S.W. 122nd Avenue | Davie, FL 33330-1330 |
| Sleipnes, Svein & Katherine | 12700 Kapok Lane | Davie, FL 33330 |
| Sohmer, Paul & Donna | 2651 S.W. 122nd Terrace | Davie, FL 33330-1300 |
| Solomon, Faithrowena & Jessica | 6881 N.W. 45th Street | Lauderhill, FL 33319 |
| Sorensen, David & Shirley | 2800 W. Stonebrook Circle | Davie, FL 38330 |
| Spradlin, Alan | 12901 Kapok Lane | Davie, FL 33330-1294 |
| State of Florida DOT | 3400 W. Commercial Boulevard | Fort Lauderdale, FL 33309-3421 |
| Stonebrook Estates, Ltd. c/o St. Andrews CC Realty | 7227 Clint Moore Road | Boca Raton, FL 33496-1402 |
| Thompson, Adam | 12440 N. Stonebrook Circle | Davie, FL 33330 |
| Todinca, George & Valeria | 406 N.W. 68th Avenue, #514 | Plantation, FL 33317 |
| Toral, Alejandro & Ilana | 12822 S.W. 26th Street | Davie, FL 33330 |
| Town of Davie | 6591 S.W. 45th Street | Davie, FL 33004 |
| Trombino, Rev. Kathleen | 2920 N. Atlantic Boulevard | Fort Lauderdale, FL 33308-7512 |
| Vietnamese Buddhist Cultural Center of Florida, Inc. | 2321 S.W. 127th Avenue | Davie, FL 33325 |
| Wannstedt, David | 12600 N. Stonebrook Circle | Davie, FL 33330 |
| Warren, David & Charlene | 12761 S.W. 26th Street | Dania, FL 33325 |
| Weekley, Daniel | 20701 Stirling Road | Pembroke Pines, 33332 |
| Westcott, Paul & Donna | 12762 S.W. 26th Street | Davie, FL 33325 |
| Wilson Heights Development, Inc. | 3842 S. 16th Avenue | Hialeah, FL 33012 |
| Wood, Robert | 2075 S. Flamingo Road | Davie, FL 33325 |
| Young, Kevin & Heather | 2801 E. Stonebrook Circle | Davie, FL 33330 |
| Zafrani, Abraham | 2800 S. Flamingo Road | Davie, FL 33330 |
| Zamora, Wilfredo & Maria | 12792 S.W. 26th Street | Davie, FL 33325 |

N



SCALE: N.T.S.



SECTION: 23
TOWNSHIP: 50 S
RANGE: 41 E

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.

12500 WEST ATLANTIC BOULEVARD
CORAL SPRINGS, FLORIDA 33071
(954) 344-9855

OAK PARK ESTATES

AERIAL MAP

TOWN OF DAVIE

BROWARD COUNTY

FLORIDA

BY: JLS/CB

JOB No.: 05-0507

DATE: 12/05

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.

**CIVIL ENGINEERS LAND PLANNERS
TRANSPORTATION PLANNERS LANDSCAPE ARCHITECTS**

MEETING NOTICE

December 28, 2005

**Re: Citizen Participation Plan Meeting for Oak Park Estates
Project Number MSP 11-2-05**

Dear Neighbor:

This letter is to invite you to a citizen participation meeting relating to Oak Park Estates, a quality residential community planned near property you own in the Town of Davie. Oak Park Estates is located on the west side of Flamingo Road at SW 26th Street, and will consist of 17 single-family residential homes intended to complement surrounding developments as well as enhance area property values.

Under a Town of Davie ordinance, the applicant for site plan approval is required to hold two (2) citizen participation meetings and send notice to all property owners within 1,000 feet of the subject site prior to the Town initiating application review. Accordingly, we have scheduled the following meetings:

First Citizen Participation Meeting:

Date: January 11, 2006
Time: 6:00 p.m.
Location: Eastside Community Hall, 4300 SW 55 Avenue, Davie

Second Citizen Participation Meeting:

Date: January 18, 2006
Time: 6:00 p.m.
Location: Eastside Community Hall, 4300 SW 55 Avenue, Davie

Directions to Eastside Community Hall: Take I-595 to Davie Road exit, travel south 2 miles, turn east on Orange Drive, continue to SW 55 Avenue, turn left and the hall is on the east side of SW 55 Avenue.

Note: Please be advised that if there is no attendance at the first citizen participation meeting, the second meeting may be cancelled.

If you wish to submit written comments, please send them to:

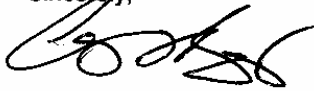
Craig L. Bencz, AICP
Director of Planning
Rhon Ernest-Jones Consulting Engineers, Inc.
12500 West Atlantic Boulevard
Coral Springs, FL 33071

12500 WEST ATLANTIC BOULEVARD CORAL SPRINGS, FLORIDA 33071 Tel: 954.344.9855 Fax: 954.341.5961
Professional Engineer License: ES8451 www.rejce.com Landscape Architect License: LC0000367

Community Meeting Notice
Oak Park Estates
November 28, 2005
Page 2

Also, please be advised that there will be additional opportunities for public input at the Town of Davie Public Hearings.

Sincerely,



Craig L. Bencz, AICP
Director of Planning

Attachments: Location Map & Proposed Site Plan

(NOTE: MEMBERS OF TOWN COUNCIL MAY BE PRESENT)

Rhon Ernest-Jones Consulting Engineers, Inc.

Oak Park Estate

1/11/06
6-8 pmSIGN IN SHEET
PUBLIC PARTICIPATION MEETING I.

(Date)

| NAME | ADDRESS | PHONE |
|-----------------------------|--------------------------------------|------------------------------|
| Emmanuel Fox | 12701 SW 26 St Davie, FL 33225 | 954-946-2174 |
| SUEIN SKATIPNES | 12700 Vesper Ln Davie FL 33331 | 954-577-9400 |
| JOHN GLOVER | 12735 Stonebrook Dr. Davie, FL | 954.473-0524 |
| Norman TARPINS, MD | 126 28 Equestrian Trail, Davie | 954-916-1134 |
| Susan TARPINS | " | " |
| ALEXANDRA ZAHORA | 12792 SW 26 ST DAVIE 33325 | (954)474.4614 |
| Craig Stipe | 6590 Griffin Rd Davie, FL | (954)868-2677 |
| PAUL WESTCOTT | 12762 SW 26th ST DAVIE FL 33325 | 954.370.8298 |
| DAVID WARREN | 12761 SW 26th ST DAVIE FL 33325 | 954.771.3825 954-915-6671 |
| Rob & Sandie Gilmore | 12641 N. Stonebrook Cir, Davie 33330 | 954.303.6488 |
| Adeli & Alan Grodsky | 12480 N. Stonebrook Circle DAVIE | 954-915-0291 |
| Lisa & Robert Lewin | 12441 N. Stonebrook Circle. Davie | 954-423-0063 33330 |
| Donna Marolha | 13640 SW. 29 Street Davie | 33330 (954)475-9891 |
| Joseph + Patricia Pensabene | 12732 SW 26th St Davie | 33325 954 431 5397 |
| NEAL KALIS | 7520 Griffin Rd Ste 109 Davie | 954-741-0472 |
| RON REITSMA | 12580 RIDGEWAY CT. DAVIE | 33330 954-931-9229 |
| Melanie & William Ford | 12702 SW 26 Street DAVIE (lot 1) | 33325 954 324 5552 |
| DARLENE STEROCUK | 12882 SW 26th St, Davie | 33325 954-723-95 |
| TOM STEROCUK | 12882 SW 26th St. DAVIE | 33325 954-723-95 |
| GARRY CONNORS | 12971 S.W. 26 St DAVIE | 33325 954-424-294 |
| James Williams | 12942 S.W. 26 St Davie, | 33325 954-2368505 |
| STEWART ALVAREZ | 12791 S.W. 26th DAVIE, | 33325 954.475.8871 |
| ANDRÉS TORAL | 12882 SW 26 ST DAVIE, FL. | 33325 |
| Daniela Cirioniso | 12912 SW 26 Street Davie, FL | 33325 954 413 1412 |
| Luis Rodriguez | 12912 SW 26 Street Davie, FL | 33325 over |

Gregory Postman

THOMAS Ruzicka

12831 SW 26 ST LOT 19 DAVIE

305 502-1111

12601 N. STONEBROOK CIRCLE 954-475-115

1/18/06

6-8 pm

SIGN IN SHEET
PUBLIC PARTICIPATION MEETING II.

Oak Pl. Estates
 (Date) 1/18/06

| NAME | ADDRESS | PHONE |
|---------------------------|-------------------------|--------------|
| CHARLIE & Pam Capps | 13510 SW 26 St | 476-9410 |
| Joseph + Patty Pensabene | 12732 SW 26th St | 431-5397 |
| Willie + ALEXANDRA ZAMORA | 12792 SW 26 St | 474-4614 |
| DAVID WARD | 12761 SW 26th St | 915-6671 |
| Melanie & William Ford | 12702 SW 26 St | 954-325-0558 |
| James & Janet Williams | LOT 1 12942 SW 26 St | 305-298-9662 |
| DARLENE & TOM SIEROCKI | 12882 SW 26th St | 954-723-9568 |
| RON REITSMIT | STONEBROOK | 954-931-9229 |
| ALEXANDRO TORAL | 12822 SW 26 St | 805-467-0729 |
| Emmanuel Poup | 12701 SW 26 St | 954-940-2174 |
| Dan FRIEDEMANN | 12911 SW 26 St | 954-473-5109 |
| Mark Renner | 12821 SW 36 St. | 954-914-9023 |
| Rob & Sandie Gilmore | 12641 NE Stonebrook | 954-424-8410 |

Exhibit 6 (Public Participation Summaries)

Bencz, Craig (craig@rejce.com)

From: Bencz, Craig (craig@rejce.com)
Sent: Friday, January 20, 2006 1:40 PM
To: 'David_Abramson@davie-fl.gov'; 'marcie_nolan@davie-fl.gov'
Cc: Ernest-Jones, Rhon (rhon@rejce.com)
Subject: Oak Park Estates -- Community Meeting Results
Importance: High
Attachments: davie comm mtg.pdf; sierocuk corr.pdf

Hi David,

Attached are the participant lists from each of our community meetings for the subject project, which were held on January 11 and January 18 at 6 p.m. The meetings were each held at the Eastside Community Hall, and were very well attended by the community. In accordance with the Town's requirements related to these meetings, I have also attached a copy of correspondence I received prior to the meetings via fax from Diane Sierocuk.

In addition to what is included below, it should be noted that the applicant met with Chief DiPetrillo on January 9, 2006 in an effort to address community concerns related to the extension of SW 26th Street. Chief DiPetrillo acknowledged that there has been significant opposition to the road extension in the past, and that he would not oppose the community's desire for the road to remain segmented and unimproved north of the project site.

The following is a summary of discussion items at each meeting.

January 11, 2006 Community Meeting

- The site plan and project background information was presented by Rhon Ernest-Jones.
- Extensive discussion ensued regarding the community's desire for SW 26th Street to remain unimproved north of the project site.
- There was a strong desire for the primary access to the site **not** to align with the SW 26th Street right-of-way. Accordingly, the applicant agreed to present an alternate site plan at the next meeting with an access point central to the site (access from Flamingo Road).
- There was support for the project, with the condition that SW 26th Street is not improved on the north side of the site. The participants are opposed to the 40 ft. right-of-way dedication, as this creates the possibility for future road improvement.
- The type, size and price range of the proposed homes was discussed.
- The applicant reiterated a commitment to save as many trees as possible on the site, and address trees that were damaged by Hurricane Wilma.
- There was discussion regarding the Davie LDC requirements for dry lot size minimum, lot width requirements, etc.

January 18, 2006 Community Meeting

- A revised site plan was presented, which shows access centrally located from Flamingo Road. Participants were in favor of this plan.
- An alternate site plan was presented that showed the potential for the site if the (current) 40 ft. right-of-way dedication were removed, or if the dedicated area could be counted towards dry lot size. The community was in favor of the alternate plan, which incorporates a lake central to the site, with homes placed around the lake on the perimeter of the property.
- There was general discussion regarding buffering between Stonebrook and the subject site.
- Discussion ensued regarding the potential for deed restricting the right-of-way easement so that vehicular use could not occur in the future.
- Participants discussed surrounding developments, and noted that the site at the northeast corner of Flamingo Road and SW 26th Street is zoned for open space use, and cannot be developed in the future.

I hope this summary and the provided attachments are sufficient to meet the Town's requirements. Please do not hesitate to contact me if I can provide additional information, or clarification of the comments summarized herein.

As you know, this project is scheduled for public DRC consideration on January 25th. Please let me know the time and location of this meeting, and the meeting format. Do we need to be prepared to make a formal presentation at DRC, or is it typically used as a forum to distribute staff review comments?

Thank you.

Craig Bencz, AICP

Director of Planning
Rhon Ernest-Jones Consulting Engineers, Inc.
12500 West Atlantic Boulevard
Coral Springs, FL 33071
Tel: 954.344.9855 ext.106
Fax: 954.341.5961
E-mail: Craig@rejce.com
www.rejce.com

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Exhibit 7 (Future Land Use Map)

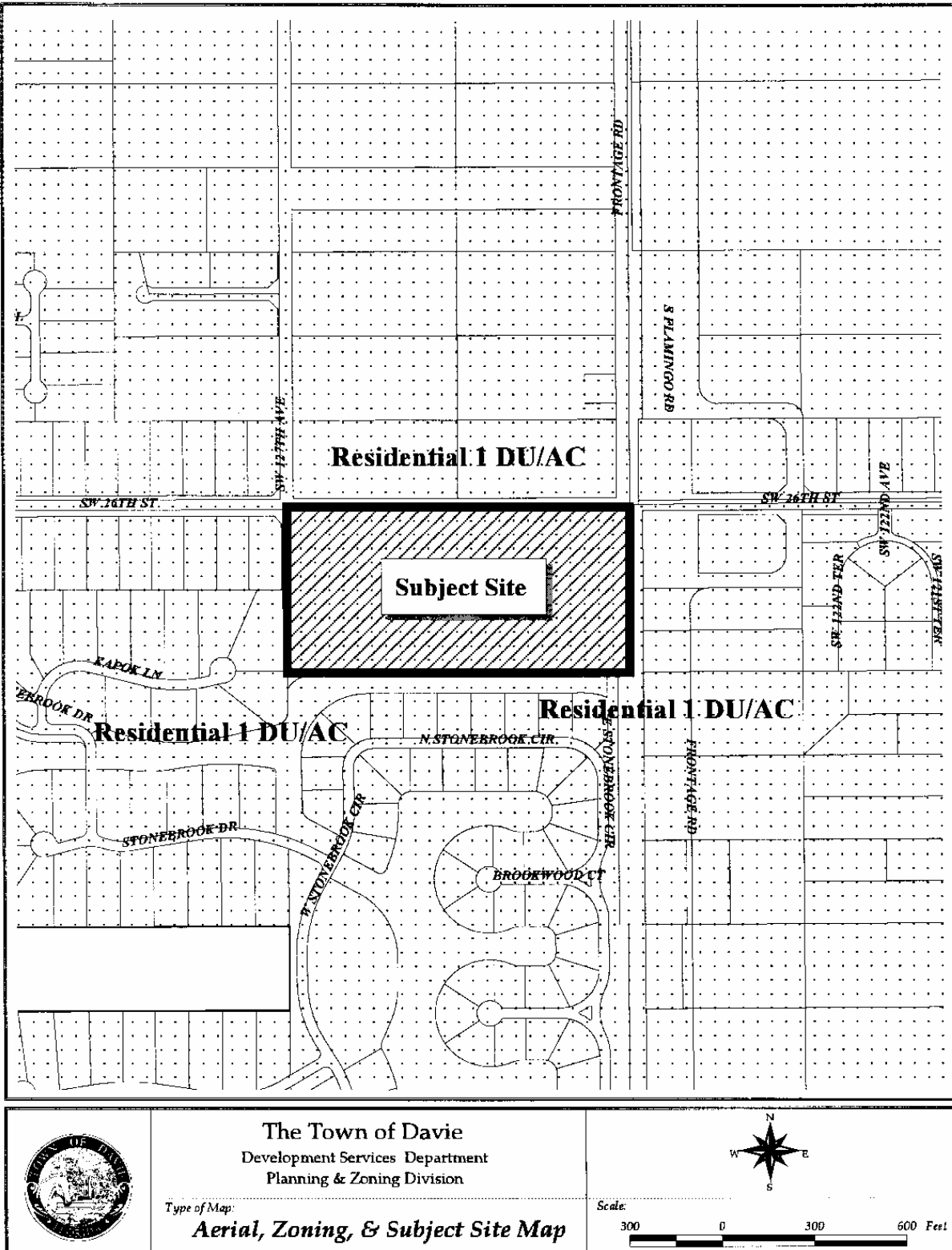
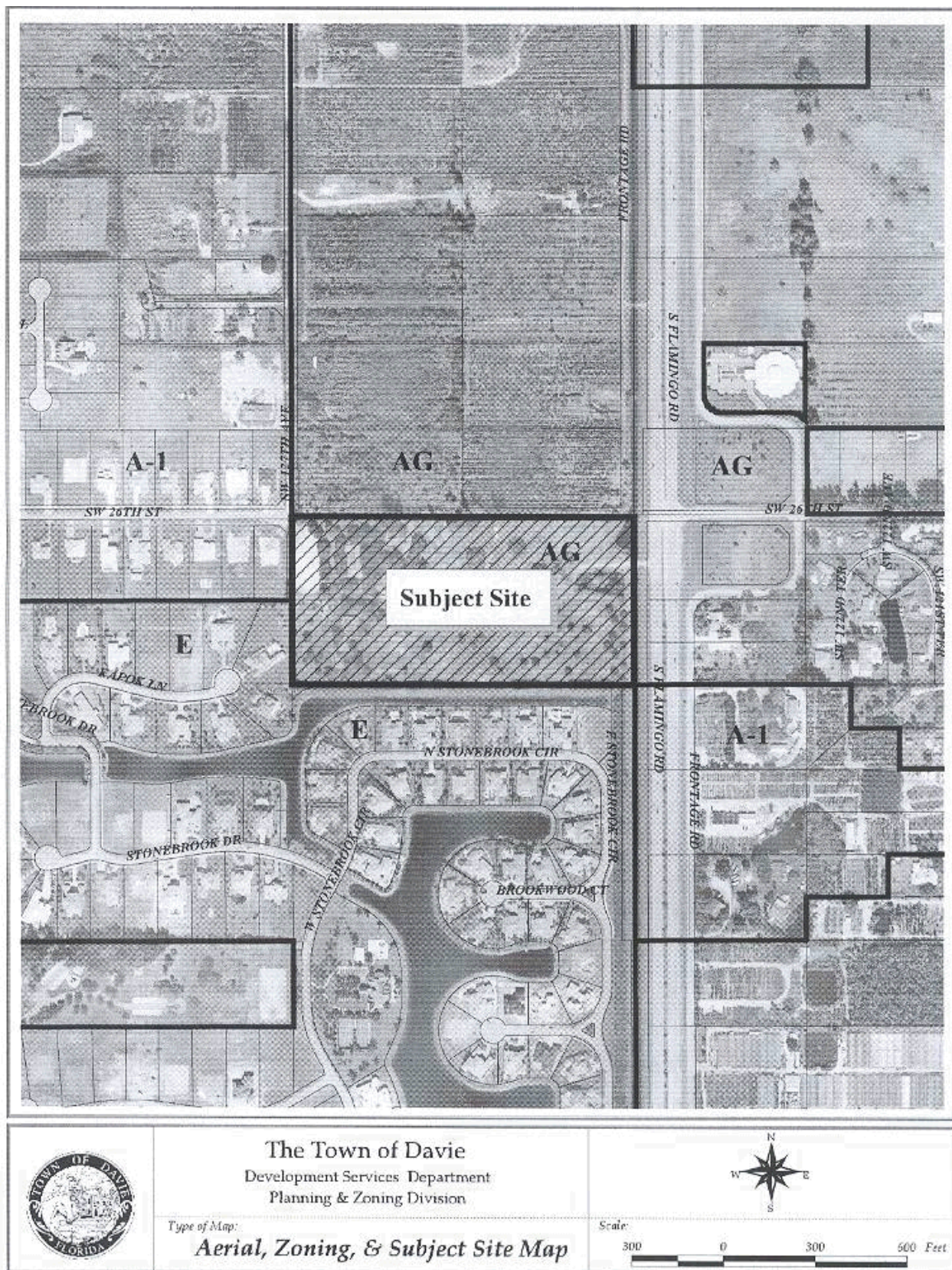


Exhibit 8 (Aerial, Zoning, and Subject Site Map)



TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: David M. Abramson, Planner III

SUBJECT: Rezoning Application: ZB 11-1-05/06-07/Stonebridge Estates/Generally located on the southwest corner of Southwest 26th Street and Flamingo Road

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF:

The petitioner (ECATS 2 LLC) requests to rezone subject site located on the southwest corner of Southwest 26th Street and Flamingo Road from AG, Agricultural District, to R-1, Estates Dwelling District. The approval of this request would allow the petitioner to develop the proposed residential community known as "Stonebridge Estates."

Adjacent to the north are vacant parcels zoned AG, Agricultural District, to the east is Flamingo Road, to the south are single-family dwellings zoned E, Estate District, and to the west is a single-family dwelling zoned E, Estate District/AG, Agricultural District and Southwest 127th Avenue.

In accordance with the Land Development Code, the subject site's proposed residential lots/parcels meet minimum technical requirements for the R-1, Estates Dwelling District. Additionally, this zoning district permits for the development of residential uses, including custom single-family homes.

The petitioner's site subject layout attempts to meet the design principles of Rural Lifestyle. Additionally, it takes into account the existing surrounding uses by providing adequate buffers, drainage, and access. The proposed residential development should maintain the existing Town of Davie rural living environment.

PREVIOUS ACTIONS:

At the March 7, 2007 Town Council meeting, rezoning application ZB 11-1-05/Stonebridge Estates was tabled to the April 4, 2007 meeting. **(Motion carried 5-0)**

CONCURRENCES:

At the February 14, 2007 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Ms. Turin, to approve. **(Motion carried 3-0, Chair Bender and Mr. Stevens were absent)**

FISCAL IMPACT: n/a

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the application complete and suitable for transmittal to Town Council for further consideration.

15. Contingent upon approval of the following development applications:

- a. Plat Application (P 3-2-06), Stonebridge Estates*
- b. Master Site Plan Application (MSP 11-2-05), Stonebridge Estates*

Attachment(s): Ordinance, Planning Report

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed **FROM:** Agricultural AG, District **TO:** R-1, Estate Dwelling District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from Agricultural AG, District to R-1, Estate Dwelling District;

- a. The subject property is described in Exhibit "A," which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as R-1, Estate Dwelling District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2007.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2007.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

Exhibit “A”

Application: ZB 1-1-05/06-07/Stonebridge Estates

Original Report Date: 1/25/07

Revision(s): 2/26/07, 3/15/07

TOWN OF DAVIE

Development Services Department

Planning & Zoning Division

Staff Report and Recommendation

Applicant Information

Owner:

Name: ECATS 2 LLC
C/O Rhon Ernest-Jones Consulting Engineers, Inc.
Address: 12500 West Atlantic Boulevard
City: Coral Springs, Florida 33071
Phone: (954) 344-9855

Petitioner:

Name: Rhon Ernest-Jones Consulting Engineers, Inc.
Address: 12500 West Atlantic Boulevard
City: Coral Springs, Florida 33071
Phone: (954) 344-9855

Background Information

Application Request: The petitioner requests to rezone the approx. 18.81 acre subject site
FROM: AG, Agricultural District **TO:** R-1, Estate Dwelling District

Location: Generally located on the southwest corner of Southwest 26th Street and Flamingo Road

Future Land Use Plan Map: Residential 1 DU/AC

Existing Zoning: AG, Agricultural District

Proposed Zoning: R-1, Estate Dwelling District

Existing Use(s): Wood Stable

Parcel Size: 18.81 Acres (819,363 square feet)

Proposed Density: 1.10 Dwelling Units per Acre

Proposed Use(s): Seventeen (17) Single-Family Custom Homes on Builder Acre Lots

Surrounding Use(s):

North: Vacant Land
South: Stonebrooke Estates (Single-Family Homes)
East: Flamingo Road (Right-of Way)
West: Kapok & Peico Estates (Single-Family Homes)

Surrounding Land

Use Plan Map Designation(s):

Residential (1 DU/AC)
Residential (1 DU/AC)
Residential (1 DU/AC)
Residential (1 DU/AC)

Surrounding Zoning(s):

North: AG, Agricultural District
South: E, Estate District
East: AG, Agricultural District
West: AG, Agricultural District

Zoning History**Related Zoning History:**

Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Previous Request(s) on same property: n/a

Concurrent Request on same property:

Master Site Plan Application (MSP 11-2-05), the petitioner requests master site plan approval to construct seventeen (17) single-family custom homes on builder acre lots.

Plat Application (P 3-2-06), the petitioner requests plat approval to construct seventeen (17) single-family custom homes on builder acre lots.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-307), Review for rezonings.

Land Development Code, Article IX of the Land Development Code, Rural Lifestyle Regulations.

Land Development Code (Section 12-24), (I) (2) Estate Dwelling (R-1) District: The R-1 District is intended to implement the one (1) dwelling unit per acre residential classification of the Town of Davie Comprehensive Plan and to provide estate residential areas with most of the noncommercial agricultural uses permitted providing a transition from agricultural land to residential dwelling units.

Comprehensive Plan Considerations**Planning Area:**

The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Policy 5-2: The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable

Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

Future Land Use Plan, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The petitioner (ECATS 2 LLC) requests to rezone subject site located on the southwest corner of Southwest 26th Street and Flamingo Road from AG, Agricultural District, to R-1, Estates Dwelling District. The approval of this request would allow the petitioner to develop the proposed residential community known as “Stone Bridge Estates.”

Adjacent to the north are vacant parcels zoned AG, Agricultural District, to the east is Flamingo Road, to the south are single-family dwellings zoned E, Estate District, and to the west is a single-family dwelling zoned E, Estate District/AG, Agricultural District and Southwest 127th Avenue.

In accordance with the Land Development Code, the subject site’s proposed residential lots/parcels meet minimum technical requirements for the R-1, Estates Dwelling District. Additionally, this zoning district permits for the development of residential uses, including custom single-family homes.

The petitioner’s site subject layout attempts to meet the design principles of Rural Lifestyle. Additionally, it takes into account the existing surrounding uses by providing adequate buffers, drainage, and access. The proposed residential development should maintain the existing Town of Davie rural living environment.

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town’s development procedures. The petitioner originally conducted meetings with the public on January 11, 2006 and January 18, 2006 at the Eastside Community Hall. Attached is the petitioner’s citizen participation information.

Staff Analysis

The proposed R-1, Estates Dwelling District rezoning is consistent with the Town of Davie’s Comprehensive Plan and Land Development Code. The proposed residential development of subject site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation of Residential 1 DU/AC. Furthermore, the proposed R-1, Estates Dwelling District is compatible with the other surrounding zoning districts and future land use plan map designation of Residential 1 DU/AC.

Staff Findings of Fact

Rezoning:

Section 12-307(A) (1):

The following staff findings of facts apply to the rezoning request:

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The future land use plan map designates the subject site as Residential 1 DU/AC, and the comprehensive plan allows properties with this designation to be rezoned to the R-1, Estates Dwelling District.

(b) The proposed change will create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

Designating the subject site to R-1, Estates Dwelling District will create an isolated zoning district, however it still will allow for a one (1) acre single-family residential community that is related and compatible with the existing adjacent developed single-family residential uses to the south and west.

(c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

The existing AG, Agricultural District boundaries are logically drawn, and the proposed designation to R-1, Estates Dwelling District is a valid Town of Davie zoning district.

(d) The proposed change is not expected to adversely affect living conditions in the neighborhood;

Designating the subject site to R-1, Estates Dwelling District is not expected to adversely affect living conditions in the neighborhood. The design of the site has taken into account the existing adjacent single-family residential communities by providing for adequate buffers, setbacks, and drainage.

(e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

Changing the subject site's zoning to R-1, Estates Dwelling District will not generate more traffic than what was already anticipated by the future land use plan map.

(f) The proposed change will not adversely affect other property values;

Rezoning the subject site from AG, Agricultural District to R-1, Estates Dwelling District may have a positive impact on surrounding property values as the Town of Davie code will ensure that development will be done in accordance with the land development regulations.

(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed change will be developed in accordance with existing land development regulations. Surrounding property will be able to be developed in accordance with all existing land development regulations.

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

Rezoning the subject site is not a grant of special privilege per the Town's Comprehensive Plan and Land Development Code. Any property owner may request a rezoning consistent with the underlying land use plan category.

(i) There are substantial reasons why the property cannot be used in accord with existing zoning.

The existing AG, Agricultural District is the subject site's original zoning classification. The utilization of the gross density allowed by the Future Land Use Plan Map designation cannot be accomplished without a change in zoning.

(j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Designating the subject site R-1, Estates Dwelling District will allow for the parcel to be developed in a manner consistent with the land use, and hence, be the most appropriate designation to enhance the Town's tax base.

Staff Recommendation

Staff finds the application complete and suitable for transmittal to the Site Plan Committee and Town Council for further consideration.

1. Contingent upon approval of the following development applications:
 - a. *Plat Application (P 3-2-06), Stonebridge Estates*
 - b. *Master Site Plan Application (MSP 11-2-05), Stonebridge Estates*

Planning and Zoning Recommendation

At the February 14, 2007 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Ms. Turin, to approve. **(Motion carried 3-0, Chair Bender and Mr. Stevens were absent)**

Town Council Action

At the March 7, 2007 Town Council meeting, rezoning application ZB 11-1-05/Stonebridge Estates was tabled to the April 4, 2007 meeting. **(Motion carried 5-0)**

Exhibits

1. Justification Letter
2. Proposed Site Plan
3. 1,000' Mail out Radius Map
4. Property Owners within 1,000' of the Subject Site
5. Public Participation Plan
6. Public Participation Notice
7. Public Participation Sign-in Sheet
8. Public Participation Summaries
9. Future Land Use Plan Map
10. Aerial, Zoning, and Subject Site Map

Prepared by: _____

Reviewed by: _____

Exhibit 1 (Justification Letter)

Response to Criteria for Rezoning (Sec. 12-307, LDC) Oak Park Estates – Town of Davie, Florida

Per Section 12-307 of the Town's Land Development Code, applications for rezoning are to be reviewed for compliance with ten (10) criteria that evaluate a proposed rezoning as it relates to consistency with the Comprehensive Plan and adjacent community. The following lists these criteria and provides applicant responses for the Town's consideration.

Sec. 12-307(A)1: The Planning and Zoning Board shall hold its public hearing and shall make a recommendation upon the application to the Town County, based upon its consideration of, where applicable:

- (a) Whether or not the proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

Response: The proposed zoning change from Agriculture (AG) District to Estate Dwelling District (R-1) is consistent with the Comprehensive Plan. The future land use designation of the subject site is Residential, and allows for one dwelling unit per gross acre. The gross acreage of the subject site is 20 acres, and would accommodate up to 20 dwelling units according to the Comprehensive Plan.

The current AG zoning requires a minimum lot size of 1 acre, whereas the requested R-1 zoning allows a minimum lot size of 35,000 square feet, or approximately 0.8 acre. Utilization of the R-1 zoning category allows the applicant to yield a total of 17 lots on the site, as shown on the site plan. The site plan as proposed demonstrates a 15 percent reduction in the allowable development density as provided for in the Town of Davie Comprehensive Plan.

- (b) Whether or not the proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

Response: Zoning surrounding and contiguous to the project site is as follows:

- South: Estate (E) District;
- East: Agriculture (AG) District; and
- West: Agricultural (A-1) District and Estate (E) District; and
- North: Agriculture (AG) District;

The subject site is surrounded by single-family residential detached dwelling units to the northwest, west, and south. Per City staff, the undeveloped parcel to the north is also currently being considered for single-family residential development. Therefore, the proposed use is compatible with surrounding uses.

It is important to note that much of the surrounding development is built upon lots similar in size, shape, and layout to those being proposed. The Estate (E) district being utilized to the south has lots varying in size from approximately 21,300 square feet, and development density exceeding that being proposed by this rezoning. The existing development to the northwest of the subject site has lot sizes approximately 36,000 square feet in size. The applicant's proposed site plan includes lots ranging in size from 35,202 square feet to 37,400 square feet, which is compatible with the adjacent and contiguous surrounding community.

- (c) Whether or not existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

Response: When the zoning district boundaries were established for the subject property (and adjacent property), those boundaries likely reflected the agricultural character and use of the area. Over the years, the surrounding sites have obtained zoning changes to accommodate the gradual shift towards single-family housing that the Town of Davie has been experiencing.

While zoning district boundaries were not originally drawn illogically, in this instance they do not accommodate the residential density called for in the Comprehensive Plan for this site. Accordingly, it is logical to allow for rezoning of the subject site in accordance with the Comprehensive Plan.

- (d) Whether or not the proposed change will adversely affect living conditions in the neighborhood;

Response: As discussed above, the proposed zoning change is consistent with the type, character, and layout of surrounding residential uses, and will not result in adverse impact to the community. The rezoning will result in the development of the site consistent with the Town's goals for the incorporation of equestrian trails and a scenic corridor along Flamingo Road, and will place a lake immediately adjacent to the scenic corridor to serve as additional buffer.

The applicant intends to preserve in place as many trees on the site as is possible, including varying the placement of building pads so as to avoid the displacement of larger trees. The onsite lake has also been designed in such a way as to avoid tree removal, and the applicant intends to add considerable landscaping to improve the scenic corridor. These improvements will improve living conditions in the neighborhood.

- (e) Whether or not the proposed change will create or excessively increase automobile and vehicular traffic congestion, above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

Response: Under the current land use for the site, up to 20 single-family residential units could be constructed on the site. This rezoning will result in a maximum of 17 single-family lots on the site, or a 15 percent reduction in allowable development density per the Town's Comprehensive Plan. The Comprehensive Plan anticipates development in excess of that being proposed for the site.

- (f) Whether or not the proposed change will adversely affect other property values;

Response: The applicant intends to develop quality estate homes on large (35,000 sq. ft.) lots. As shown on the landscape plan, considerable landscaping is being added to the site, and the majority of the on-site trees are being preserved in place. This development should positively affect the property values of the community.

- (g) Whether or not the proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations;

Response: Per a preapplication meeting with Town staff, the undeveloped property contiguous and north of the subject site is currently being considered for low density single-family residential development. The development of the same on the subject site will not act as a deterrent to the improvement or development of other property in the community.

- (h) Whether or not the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

Response: According to the Comprehensive Plan, 20 single-family residential units may be permitted on the subject site. This rezoning will result in the development of 17 dwelling units on the site, which will not constitute the granting of a special privilege to the applicant. This site is being developed in accordance with the Town's Comprehensive Plan, and accordingly does not require a Land Use Plan amendment to be accomplished.

Nearby sites (specifically, to the south) have been granted similar rezonings in past years to accommodate low density single-family residential development. This request is consistent with past Town actions in that regard.

- (i) Whether or not there are substantial reasons why the property cannot be used in accord with existing zoning;

Response: Under the current Agriculture (AG) District zoning, lot sizes are required to be a minimum of one (1) acre in size, and must have a minimum

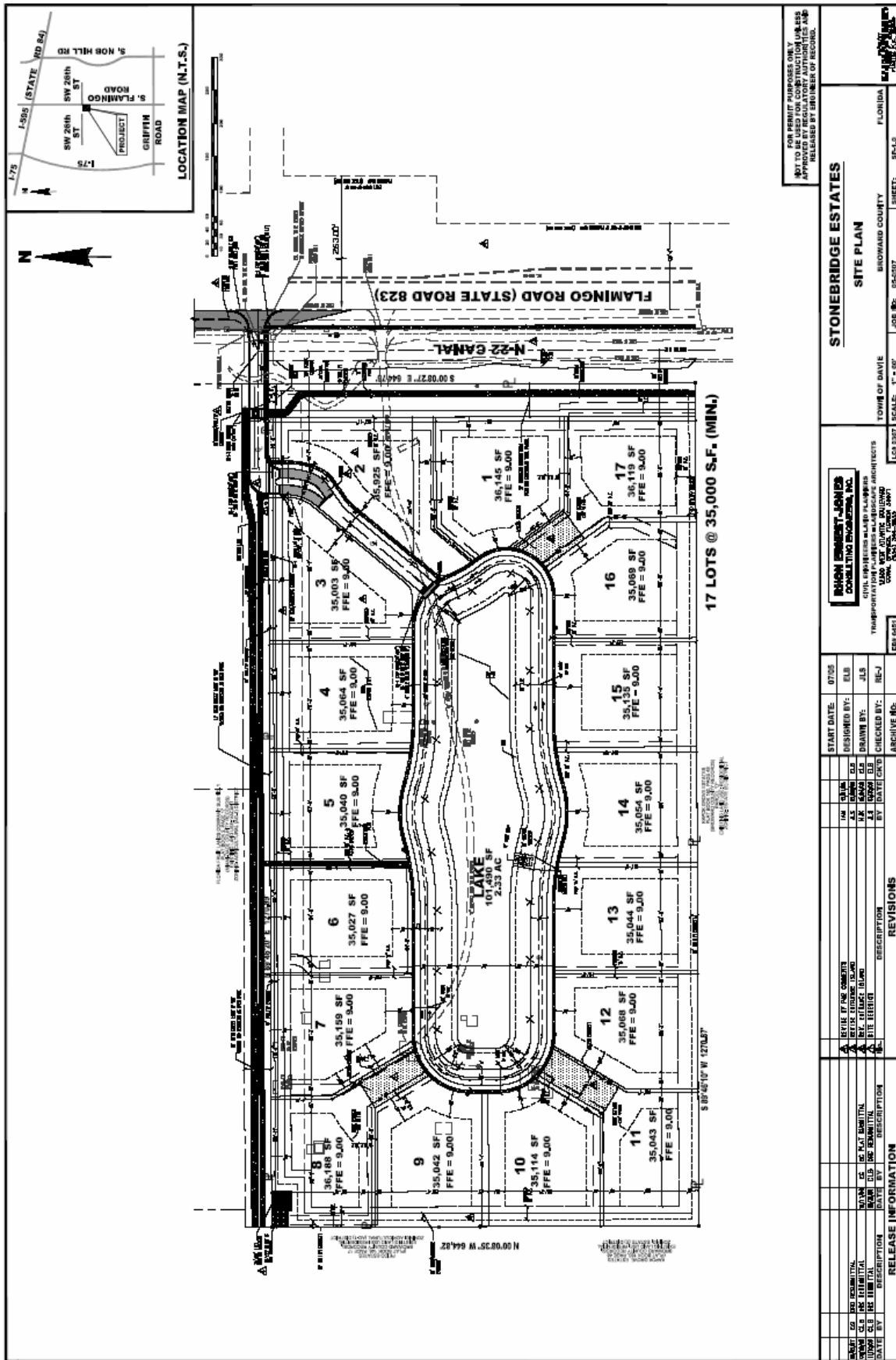
lot frontage of 150 feet. Compliance with these regulations would result in a development yield substantially less than that allowed by the Comprehensive Plan, and would create an infeasible development project based on the current value of the property.

The applicant is proposing to rezone the site to Estate Dwelling District (R-1) in order to create a financially feasible project with 17 buildable lots. It is important to note that the current zoning of the site would accommodate an equal amount of buildable lots; however, the configuration of the parcel, and the required dedications for road right-of-way (SW 26th Street), equestrian trails, and scenic corridor create a unique situation where rezoning is the only reasonable means by which to develop the property consistent with its intended use.

- (j) Whether or not the proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Response: As previously stated, the proposed rezoning is consistent with the Town's Comprehensive Plan, which currently allows up to 20 low-density residential dwelling units on the site. For the reasons previously provided, the applicant believes that this rezoning is the most feasible means by which to develop the site in a manner consistent with the surrounding community.

The high quality of the proposed estate homes on the site, significant landscape improvements to the scenic corridor, and connected equestrian trails will all serve to maintain and enhance the Town's tax base.



1,000' Mailout Buffer

Subject Site

SW 26TH ST

SW 27TH ST

S FLAMINGO RD

S BROWARD RD

S STONEBROOK CIR

BROOKWOOD CT

STONEBROOK DR

KAPOK LN

S 122ND AVE

SW 122ND AVE

SW 123RD AVE

SW 124TH AVE

SW 125TH AVE

SW 126TH AVE

SW 127TH AVE

SW 128TH AVE

SW 129TH AVE

SW 130TH AVE

SW 131ST AVE

SW 132ND AVE

SW 133RD AVE

SW 134TH AVE

SW 135TH AVE

SW 136TH AVE

SW 137TH AVE

SW 138TH AVE

SW 139TH AVE

SW 140TH AVE

SW 141ST AVE

SW 142ND AVE

SW 143RD AVE

SW 144TH AVE

SW 145TH AVE

SW 146TH AVE

SW 147TH AVE

SW 148TH AVE

SW 149TH AVE

SW 150TH AVE

SW 151ST AVE

SW 152ND AVE

SW 153RD AVE

SW 154TH AVE

SW 155TH AVE

SW 156TH AVE

SW 157TH AVE

SW 158TH AVE

SW 159TH AVE

SW 160TH AVE

SW 161ST AVE

SW 162ND AVE

SW 163RD AVE

SW 164TH AVE

SW 165TH AVE

SW 166TH AVE

SW 167TH AVE

SW 168TH AVE

SW 169TH AVE

SW 170TH AVE

SW 171ST AVE

SW 172ND AVE

SW 173RD AVE

SW 174TH AVE

SW 175TH AVE

SW 176TH AVE

SW 177TH AVE

SW 178TH AVE

SW 179TH AVE

SW 180TH AVE

SW 181ST AVE

SW 182ND AVE

SW 183RD AVE

SW 184TH AVE

SW 185TH AVE

SW 186TH AVE

SW 187TH AVE

SW 188TH AVE

SW 189TH AVE

SW 190TH AVE

SW 191ST AVE

SW 192ND AVE

SW 193RD AVE

SW 194TH AVE

SW 195TH AVE

SW 196TH AVE

SW 197TH AVE

SW 198TH AVE

SW 199TH AVE

SW 200TH AVE

SW 201ST AVE

SW 202ND AVE

SW 203RD AVE

SW 204TH AVE

SW 205TH AVE

SW 206TH AVE

SW 207TH AVE

SW 208TH AVE

SW 209TH AVE

SW 210TH AVE

SW 211ST AVE

SW 212ND AVE

SW 213RD AVE

SW 214TH AVE

SW 215TH AVE

SW 216TH AVE

SW 217TH AVE

SW 218TH AVE

SW 219TH AVE

SW 220TH AVE

SW 221ST AVE

SW 222ND AVE

SW 223RD AVE

SW 224TH AVE

SW 225TH AVE

SW 226TH AVE

SW 227TH AVE

SW 228TH AVE

SW 229TH AVE

SW 230TH AVE

SW 231ST AVE

SW 232ND AVE

SW 233RD AVE

SW 234TH AVE

SW 235TH AVE

SW 236TH AVE

SW 237TH AVE

SW 238TH AVE

SW 239TH AVE

SW 240TH AVE

SW 241ST AVE

SW 242ND AVE

SW 243RD AVE

SW 244TH AVE

SW 245TH AVE

SW 246TH AVE

SW 247TH AVE

SW 248TH AVE

SW 249TH AVE

SW 250TH AVE

SW 251ST AVE

SW 252ND AVE

SW 253RD AVE

SW 254TH AVE

SW 255TH AVE

SW 256TH AVE

SW 257TH AVE

SW 258TH AVE

SW 259TH AVE

SW 260TH AVE

SW 261ST AVE

SW 262ND AVE

SW 263RD AVE

SW 264TH AVE

SW 265TH AVE

SW 266TH AVE

SW 267TH AVE

SW 268TH AVE

SW 269TH AVE

SW 270TH AVE

SW 271ST AVE

SW 272ND AVE

SW 273RD AVE

SW 274TH AVE

SW 275TH AVE

SW 276TH AVE

SW 277TH AVE

SW 278TH AVE

SW 279TH AVE

SW 280TH AVE

SW 281ST AVE

SW 282ND AVE

SW 283RD AVE

SW 284TH AVE

SW 285TH AVE

SW 286TH AVE

SW 287TH AVE

SW 288TH AVE

SW 289TH AVE

SW 290TH AVE

SW 291ST AVE

SW 292ND AVE

SW 293RD AVE

SW 294TH AVE

SW 295TH AVE

SW 296TH AVE

SW 297TH AVE

SW 298TH AVE

SW 299TH AVE

SW 300TH AVE

SW 301ST AVE

SW 302ND AVE

SW 303RD AVE

SW 304TH AVE

SW 305TH AVE

SW 306TH AVE

SW 307TH AVE

SW 308TH AVE

SW 309TH AVE

SW 310TH AVE

SW 311ST AVE

SW 312ND AVE

SW 313RD AVE

SW 314TH AVE

SW 315TH AVE

SW 316TH AVE

SW 317TH AVE

SW 318TH AVE

SW 319TH AVE

SW 320TH AVE

SW 321ST AVE

SW 322ND AVE

SW 323RD AVE

SW 324TH AVE

SW 325TH AVE

SW 326TH AVE

SW 327TH AVE

SW 328TH AVE

SW 329TH AVE

SW 330TH AVE

SW 331ST AVE

SW 332ND AVE

SW 333RD AVE

SW 334TH AVE

SW 335TH AVE

SW 336TH AVE

SW 337TH AVE

SW 338TH AVE

SW 339TH AVE

SW 340TH AVE

SW 341ST AVE

SW 342ND AVE

SW 343RD AVE

SW 344TH AVE

SW 345TH AVE

SW 346TH AVE

SW 347TH AVE

SW 348TH AVE

SW 349TH AVE

SW 350TH AVE

SW 351ST AVE

SW 352ND AVE

SW 353RD AVE

SW 354TH AVE

SW 355TH AVE

SW 356TH AVE

SW 357TH AVE

SW 358TH AVE

SW 359TH AVE

SW 360TH AVE

SW 361ST AVE

SW 362ND AVE

SW 363RD AVE

SW 364TH AVE

SW 365TH AVE

SW 366TH AVE

SW 367TH AVE

SW 368TH AVE

SW 369TH AVE

SW 370TH AVE

SW 371ST AVE

SW 372ND AVE

SW 373RD AVE

SW 374TH AVE

SW 375TH AVE

SW 376TH AVE

SW 377TH AVE

SW 378TH AVE

SW 379TH AVE

SW 380TH AVE

SW 381ST AVE

SW 382ND AVE

SW 383RD AVE

SW 384TH AVE

SW 385TH AVE

SW 386TH AVE

SW 387TH AVE

SW 388TH AVE

SW 389TH AVE

SW 390TH AVE

SW 391ST AVE

SW 392ND AVE

SW 3

Exhibit 4 (Property Owners within 1,000' of Subject Site)

| FOLIO | NAME | MAIL_ADDR | MAIL_ADDR1 |
|--------------|---------------------------------|----------------------------|--------------------------------|
| 504023090380 | ABRAHAM,HARVEY S & CHARLOTTE G | 12542 BROOKWOOD CT | DAVIE FL 33330 |
| 504023091050 | AGUILAR,VIANCA P | 12854 STONEBROOK DR | DAVIE FL 33330 |
| 504023091130 | AIKMAN,NOELLE | 12825 STONEBROOK DR | DAVIE FL 33330 |
| 504014130070 | ALVAREZ,STEWART & AMY JO | 12791 SW 26 ST | DAVIE FL 33325 |
| 504024010311 | ANIMALS RECREATION & | 2670 S FLAMINGO ROAD | DAVIE FL 33330-1302 |
| 504024010310 | ANIMALS RECREATION & | 2670 S FLAMINGO ROAD | DAVIE FL 33330 |
| 504023090400 | ARMSTRONG,BRUCE | 12543 BROOKWOOD CT | DAVIE FL 33330 |
| 504024010280 | BANGE,PAUL E & Nanci | 2950 S FLAMINGO RD | DAVIE FL 33330-1308 |
| 504024010282 | BANGE,PAUL E & Nanci | 2950 S FLAMINGO RD | DAVIE FL 33330-1308 |
| 504023091150 | BARRAU,CARMEL & JOSEE LAMOUR | 12765 STONEBROOK DR | DAVIE FL 33330 |
| 504023090530 | BECERRA,MARIA E | 2850 W STONEBROOK CIR | DAVIE FL 33330 |
| 504014130040 | BENSON,HAYWARD STEPHAN | 2017 NW 46 AVE #205A | LAUDERHILL FL 33313 |
| 504024010190 | BLACKANN,ALISON L & | 2751 SW 121 AVE | DAVIE FL 33330-1311 |
| 504024010181 | BOVIE,JOSEPHINE | 2695 SW 121ST TER | DAVIE FL 33330-1319 |
| 504023090570 | BROWN,GARY L & MINDY H | 2753 W STONEBROOK CIR | DAVIE FL 33330 |
| 504023091200 | BURK,RONALD L & | 12750 KAPOK LANE | DAVIE FL 33330 |
| 504024010183 | CARDONA,MARTHA L | 2691 SW 122 TER | DAVIE FL 33330-1300 |
| 504023090490 | CHANCE,VICTOR B & KIMBERLI A | 12560 N STONEBROOK CIR | DAVIE FL 33330 |
| 504023090630 | CHARLES,PAUL PATRICK & MARIE Y | 12481 N STONEBROOK CIR | DAVIE FL 33331 |
| 504023090430 | CHWOJKO,EDWARD & KATARZYNA | 2901 E STONEBROOK CIR | DAVIE FL 33330 |
| 504023090360 | COLE,JAMIE A & DEBRA L | 12462 BROOKWOOD CT | DAVIE FL 33330 |
| 504014130090 | COLEMAN,ANGIENETTA & | 12731 SW 26 ST | DAVIE FL 33325 |
| 504023091260 | COOTE,MICHAEL & | 12861 KAPOK LANE | DAVIE FL 33330 |
| 504024010210 | CUTINO,VICTOR | 2995 SW 121 AVE | DAVIE FL 33330 |
| 504023090440 | DAVID,MARTHA LAURIE & | 2851 E STONEBROOK CIR | DAVIE FL 33330 |
| 504014010380 | DIBIASE,DOROTHY FAM LTD | PO BOX 780 | LYNNFIELD MA 01940 |
| 504014010430 | DIBIASE,DOROTHY FAM LTD | PO BOX 780 | LYNNFIELD MA 01940 |
| 504014010371 | DIBIASE,DOROTHY FAM LTD | PO BOX 780 | LYNNFIELD MA 01940 |
| 504014010441 | DIBIASE,DOROTHY FAM LTD | PO BOX 780 | LYNNFIELD MA 01940 |
| 504023091000 | DISORBO,ALDO L | 12704 STONEBROOK DR | DAVIE FL 33330 |
| 504023010010 | ECATS 2 LLC | 10885 NW 6 ST | CORAL SPRINGS FL 33071 |
| 504013010222 | FLORIDA DEPT. OF TRANSPORTATION | 3400 WEST COMMERCIAL BLVD. | FORT LAUDERDALE, FL 33309-3421 |
| 504013010247 | FLORIDA DEPT. OF TRANSPORTATION | 3400 WEST COMMERCIAL BLVD. | FORT LAUDERDALE, FL 33309-3421 |
| 504024010320 | FLORIDA DEPT. OF TRANSPORTATION | 3400 WEST COMMERCIAL BLVD. | FORT LAUDERDALE, FL 33309-3421 |
| 504024010292 | FLORIDA DEPT. OF TRANSPORTATION | 3400 WEST COMMERCIAL BLVD. | FORT LAUDERDALE, FL 33309-3421 |
| 504024010281 | FLORIDA DEPT. OF TRANSPORTATION | 3400 WEST COMMERCIAL BLVD. | FORT LAUDERDALE, FL 33309-3421 |
| 504014130030 | FRIEDEWALD,DON E JR & | 12911 SW 26 ST | DAVIE FL 33325 |
| 504024010180 | FROHRING,C A & LINDA J | 2690 SW 122ND TER | DAVIE FL 33330-1333 |
| 504023091160 | GLOVER,JOHN D & | 12735 STONEBROOK DR | DAVIE FL 33330 |
| 504023090550 | GOLDMAN,WAYNE & MARYANNE | 2853 W STONEBROOK CIR | DAVIE FL 33330 |
| 504024010174 | GREY,CAROL LYNNE REV TR | 2670 SW 122 TER | DAVIE FL 33330-1333 |
| 504024010177 | GRINER,W B & CHERYL L LE | 2675 SW 121ST TER | DAVIE FL 33330-1319 |
| 504023090470 | GRODSKY,ALAN & | 12480 N STONEBROOK CIR | DAVIE FL 33330 |
| 504023090350 | HAKOPIAN,AMBAKUM & NINA | 2951 E STONEBROOK CIR | DAVIE FL 33330 |
| 504023090560 | HOCHSTEIN,ROBERT | 2803 W STONEBROOK CIR | DAVIE FL 33330 |
| 504023090390 | HOOD,SCOTT D & | 12583 BROOKWOOD CT | DAVIE FL 33325 |
| 504023091190 | HUBSCHMAN,DEBORAH ANN | 12800 KAPOK LANE | DAVIE FL 33330 |
| 504023091180 | ITEN,LOUIS J & | 12850 KAPOK LANE | DAVIE FL 33330 |
| 504023090480 | JAROLEM,KENNETH & ALISA | 12520 N STONEBROOK CIR | DAVIE FL 33331 |
| 504014130100 | JOBSON-POUX,EMMANUEL B & | 12701 SW 26 ST | DAVIE FL 33325 |

| | | | |
|--------------|-------------------------------------|------------------------|---------------------------|
| 504023090510 | KENNEDY,K SCOTT & GAIL | 12640 N STONEBROOK CIR | DAVIE FL 33330 |
| 504023090420 | KNIGHT,SAMMY D & FRED A L | 12463 BROOKWOOD CT | DAVIE FL 33331 |
| 504023090540 | LAWRENCE,KRISHNA WILLIAM | 2900 W STONEBROOK CIR | DAVIE FL 33330 |
| 504023090580 | LEONE,EVELYNE & | 12681 N STONEBROOK CIR | DAVIE FL 33330-1297 |
| 504014140050 | LETO,JOHN A SR & JOAN A | 3100 STIRLING RD | HOLLYWOOD FL 33021 |
| 504014140040 | LETO,JOHN A SR TR | 3100 STIRLING ROAD | HOLLYWOOD FL 33021 |
| 504014140070 | LETO,JOHN A SR TR | 3100 STIRLING ROAD | HOLLYWOOD FL 33021 |
| 504023090610 | LEWIN,HARLEY | 12561 N STONEBROOK CIR | DAVIE FL 33330 |
| 504023090640 | LEWIN,ROBERT & LISA | 12441 N STONEBROOK CIR | DAVIE FL 33331 |
| 504023090410 | LEWIS,JACK A & | 12503 BROOKWOOD CT | DAVIE FL 33330 |
| 504014010541 | MIELE,VERONICA | 2421 SW 127TH AVE | DAVIE FL 33325-5600 |
| 504014010541 | MIELE,VERONICA | 2421 SW 127TH AVE | DAVIE FL 33325-5600 |
| 504023091230 | MIXON,KENNETH J & DARCEE J | 12741 KOPAK LANE | DAVIE FL 33330 |
| 504013110020 | MOSES FAMILY LTD PRTR | 2799 NW 55 AVE | LAUDERHILL FL 33313 |
| 504013110010 | MOSES FAMILY LTD PRTR | 2799 NW 55 AVE | LAUDERHILL FL 33313 |
| 504023090620 | MUNN,HENSLEY R & CYNTHIA E | 235-15 129 AVE | LAURELTON QUEENS NY 11422 |
| 504023090500 | OGDEN,WILLIAM F III | 12600 N STONEBROOK CIR | DAVIE FL 33330 |
| 504014010420 | PACC DEVELOPMENT LLC | 7116 SW 47 ST | MIAMI FL 33155 |
| 504014010410 | PACC DEVELOPMENT LLC | 7116 SW 47 ST | MIAMI FL 33155 |
| 504023091220 | PATITUCCI,JOHN & FLORENCE & | 12701 KAPOK LANE | DAVIE FL 33330 |
| 504014010391 | PEGG,WILLIAM S & NANCY P & | RR2 BOX 3408 | NASHVILLE GA 31639 |
| 504023070020 | PENSABENE,JOSEPH T & | 12732 SW 26 ST | DAVIE FL 33325 |
| 504023091020 | PHILLIPS,RICHARD & CAROL | 12764 STONEBROOK DR | DAVIE FL 33331 |
| 504024010171 | PLASENCIA,OSCAR | 2603 SW 122 AVE | DAVIE FL 33330-1329 |
| 504024010300 | PRIOR,PETER W & GAIL A | 2780 S FLAMINGO RD | DAVIE FL 33330-1304 |
| 504014010540 | REJA ENTERPRISES INC | 2203C S FEDERAL HWY | FT LAUDERDALE FL 33316 |
| 504014010545 | REJA ENTERPRISES INC | 2203C S FEDERAL HWY | FT LAUDERDALE FL 33316 |
| 504014010544 | REJA ENTERPRISES INC | 2203C S FEDERAL HWY | FT LAUDERDALE FL 33316 |
| 504014130060 | RENNER,MARK & | 12821 SW 26 ST | DAVIE FL 33325 |
| 504023070080 | RODRIGUEZ,LUIS D | 12912 SW 26 ST | DAVIE FL 33325 |
| 504023090600 | RUZICKA,THOMAS F & | 12601 N STONEBROOK CIR | DAVIE FL 33330 |
| 504023090340 | SANCHEZ,ALFONSO & | 3001 E STONEBROOK CIR | DAVIE FL 33330 |
| 504023091280 | SAUNDERS,ANGEL F & | 12941 KAPOK LANE | DAVIE FL 33330 |
| 504023090370 | SCHUBERT,ROBERT | 12502 BROOKWOOD CT | DAVIE FL 33330 |
| 504023091010 | SCHUMACKER,JOSEPH P & JANELDA R | 12734 STONEBROOK DR | DAVIE FL 33330 |
| 504023070070 | SIEROCUK,THOMAS & DARLENE | 12882 SW 26 ST | DAVIE FL 33325 |
| 504023070070 | SIEROCUK,THOMAS & DARLENE | 12882 SW 26 ST | DAVIE FL 33325 |
| 504023070060 | SILVERMAN,ANDREW L | 12852 SW 26 ST | DAVIE FL 33330 |
| 504024010185 | SKIDMORE,ALAN G | 2602 SW 122ND AVE | DAVIE FL 33330-1330 |
| 504023091210 | SLEIPNES,SVEIN & | 12700 KAPOK LANE | DAVIE FL 33330 |
| 504024010184 | SOHMER,PAUL & DONNA | 2651 SW 122ND TER | DAVIE FL 33330-1300 |
| 504023090520 | SORENSEN,DAVID R & SHIRLEY A | 2800 W STONEBROOK CIR | DAVIE FL 38330 |
| 504023091270 | SPRADLIN,ALAN L & | 12901 KAPOK LANE | DAVIE FL 33330-1294 |
| 504023091300 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091330 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091420 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091400 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091320 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091390 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091380 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |

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|--------------|----------------------------------|------------------------|-----------------------------|
| 504023091370 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091360 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091340 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091430 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023091350 | STONEBROOK ESTATES COMM ASSO INC | 7227 CLINT MOORE ROAD | BOCA RATON FL 33496-1402 |
| 504023090650 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091240 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091250 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091290 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091040 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091120 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091110 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091100 | STONYBROOK ESTATES LTD | 7227 CLINT MOORE RD | BOCA RATON FL 33496-1402 |
| 504023091030 | SUITE,NICHOLAS & NANCY | 12794 STONEBROOK DR | DAVIE FL 33330 |
| 504023090460 | THOMPSON,ADAM M | 12440 N STONEBROOK CIR | DAVIE FL 33330 |
| 504014010550 | TODINCA,GEORGE & VALERIA ETAL | 2525 SW 127 AVE | DAVIE FL 33325 |
| 504023070050 | TORAL,ALEJANDRO & ILLANA M | 12822 SW 26 ST | DAVIE FL 33330 |
| 504024010321 | TOWN OF DAVIE | 6591 ORANGE DR | DAVIE FL 33314-3348 |
| 504013010246 | TOWN OF DAVIE | 6591 ORANGE DR | DAVIE FL 33314-3348 |
| 504024010170 | TOWN OF DAVIE | 6591 ORANGE DR | DAVIE FL 33314-3348 |
| 504023020010 | TOWN OF DAVIE | 6591 ORANGE DR | DAVIE FL 33314-3348 |
| 504014010390 | TROMBINO,KATHLEEN M REV TR | 2920 N ATLANTIC BLVD | FT LAUDERDALE FL 33308-7512 |
| 504014010531 | VIETNAMESE BUDDHIST CULTURAL | 2321 SW 127 AVE | DAVIE FL 33325 |
| 504014130080 | WARREN,DAVID & CHARLENE | 12761 SW 26 ST | DAVIE FL 33325 |
| 504023091140 | WATSON,ANTHONY & DESIREE | 75 GLEN AVE | WEST ORANGE NJ 07052 |
| 504023091170 | WATSON,PAMELLA B & | 12900 KAPOK LANE | DAVIE FL 33330 |
| 504013010249 | WEEKLEY BROS LEASING LTD | 20701 STIRLING ROAD | PEMBROKE PINES FL 33332 |
| 504013090030 | WEEKLEY BROS LEASING LTD | 20701 STIRLING ROAD | PEMBROKE PINES FL 33322 |
| 504013090020 | WEEKLEY BROS LEASING LTD | 20701 STIRLING ROAD | PEMBROKE PINES FL 33322 |
| 504013090010 | WEEKLEY BROS LEASING LTD | 20701 STIRLING ROAD | PEMBROKE PINES FL 33322 |
| 504013010242 | WEEKLEY,DANIEL D & | 20701 STIRLING RD | PEMBROKE PINES FL 33332 |
| 504013010251 | WEEKLEY,DANIEL D & | 20701 STIRLING RD | PEMBROKE PINES FL 33332 |
| 504023070030 | WESTCOTT,PAUL L & DONNA R | 12762 SW 26 ST | DAVIE FL 33325 |
| 504023070010 | WILSON HEIGHTS DEV INC | 3842 W 16 AVE | HIALEAH FL 33012 |
| 504014130050 | WILSON HEIGHTS DEV INC | 3842 W 16 AVE | HIALEAH FL 33012 |
| 504014010400 | WOOD,ROBERT L | 2075 S FLAMINGO RD | DAVIE FL 33325 |
| 504023090450 | YOUNG,KEVIN D & HEATHER L | 2801 E STONEBROOK CIR | DAVIE FL 33330 |
| 504024010193 | ZAFRANI,ABRAHAM | 2800 S FLAMINGO ROAD | DAVIE FL 33330 |
| 504024010192 | ZAFRANI,ABRAHAM | 2800 S FLAMINGO ROAD | DAVIE FL 33330 |
| 504024010200 | ZAFRANI,ABRAHAM | 2800 S FLAMINGO ROAD | DAVIE FL 33330 |
| 504024010201 | ZAFRANI,ABRAHAM | 2800 S FLAMINGO ROAD | DAVIE FL 33330 |
| 504024010290 | ZAFRANI,ABRAHAM | 2800 S FLAMINGO ROAD | DAVIE FL 33330 |
| 504023070040 | ZAMORA,WILFREDO E & MARIA A | 12792 SW 26 ST | DAVIE FL 33325 |
| 504023090590 | ZVEIBIL,ROBERT & | 12641 N STONEBROOK CIR | DAVIE FL 33330 |

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.

CIVIL ENGINEERS • LAND PLANNERS
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CITIZEN PARTICIPATION PLAN ACKNOWLEDGEMENT

December 28, 2005

Town of Davie
Development Services Department
Planning and Zoning Division
6591 Orange Drive
Davie, Florida 33314

**Re: Citizen Participation Plan for Oak Park Estates
Town of Davie Project Number MSP 11-2-05**

Dear Staff:

As required by Davie Ordinance No. 2004-31, Rhon Ernest-Jones Consulting Engineers is enclosing herewith a copy of the proposed citizen participation plan related to an approval for the proposed referenced application. In addition to the outline of the plan, we are enclosing and providing for the following:

1. A list of residents and/or property owners, interested parties, and public agencies that may be affected by the application, as set forth in the Davie Code of Ordinances, and as provided by the Town of Davie's Development Services Department;
2. A summary of how the applicant proposes that it will notify all "affected parties" of the application;
3. A summary of the proposed application;
4. A description of the manner in which the applicant proposes that it will disseminate information to residents, property owners and/or interested parties;
5. A schedule of events planned by the applicant to complete the citizen participation procedure. As required, the applicant intends to conduct a minimum of two (2) public meetings with "affected parties". This requirement may be waived if letters from all adjacent affected parties state that all of their items have been addressed, and there is no need for another meeting with the applicant; and
6. A requirement that the applicant shall keep the Development Services Department informed on the status of its citizen participation efforts by coordinating its efforts through the assigned project planner.

The information above should satisfy the requirements of the public participation and the application review process.

Sincerely,



Craig L. Bencz, AICP
Director of Planning

12500 WEST ATLANTIC BOULEVARD CORAL SPRINGS, FLORIDA 33071 Tel: 954.344.9855 Fax: 954.341.5961
Professional Engineer License: 888331 www.rejce.com Landscape Architect License: LC0003287

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.

CIVIL ENGINEERS LAND PLANNERS
TRANSPORTATION PLANNERS LANDSCAPE ARCHITECTS

OAK PARK ESTATES
CITIZEN PARTICIPATION PLAN FLOW CHART

Schedule two (2) public meetings for January 11 and January 18, 2006 at the Town of Davie Eastside Community Hall, located at 4300 SW 55 Avenue, to discuss the proposed application. These two (2) meetings must be completed prior to the petitioner's scheduled Public DRC meeting.



Notify property owners and interested parties about the public meeting. The mail out list will be supplied by the Town of Davie Planning and Zoning Division.



The petitioner is to present the project at the first meeting and listen to comments and/or suggestions made by the public participants. The first meeting shall be held at a public facility. In addition, the petitioner needs to have a sign-in sheet and take minutes of this meeting.



The petitioner must take a week and work out possible solutions to address concerns raised by the public.



The petitioner is to present the project at the second meeting and provide solutions and/or further information concerning the public participants' inquiries. The second meeting shall be held at a public facility. In addition, the petitioner needs to have a sign-in sheet and take minutes of this meeting.



The petitioner shall provide Planning and Zoning a response in writing of the results of the two (2) Public Participation Plan meetings.

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.

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**CITIZEN PARTICIPATION PLAN FOR
OAK PARK ESTATES (APPLICATION NO. MSP 11-2-05)**

Project Description

The subject project is located at the southwest corner of Flamingo Road and SW 26th Street (unimproved) in the Town of Davie. The project proposes the construction of 17 single-family estate homes on lots at least 35,000 square feet in size. The subject parcel of land is 18.9 net acres in size, and the proposed site density is less than one unit per acre.

Access to the site will be made from improvements to SW 26th Street. To the greatest extent possible, the applicant proposes to preserve the existing trees onsite, as well as add substantial tree canopy in buffer and recreation areas. The conceptual housing footprints are organized in such a way as to maximize existing tree canopy.

Contact Information

Craig Bencz, AICP
Director of Planning
Rhon Ernest-Jones Consulting Engineers, Inc.
12500 West Atlantic Boulevard
Coral Springs, FL 33071

Ph: 954-344-9855 ext. 106
Fax: 954-341-5961
e-mail: craig@rejce.com

List of Residents and/or Property Owners and Interested Parties

(ATTACHED)

Notification Procedure

Property owners will be notified of each of the community meetings at least ten (10) days in advance of the first meeting date by postmarked U.S. mail. The meeting notice format and supporting materials provided to property owners will be typical of that provided as a guideline by the Town of Davie.

In addition to the above, the application will provide the Planning and Zoning office, as well as the Town Clerk's office with a copy of the meeting notification.

Dissemination of Information

A meeting notice (using example provided by Town) will be mailed out to those property owners included on the list provided by the Town. The notice will include a location map of the site, as

12500 WEST ATLANTIC BOULEVARD CORAL SPRINGS, FLORIDA 33071
Professional Engineer License # 884437 www.rejce.com

Tel: 954.344.9855 Fax: 954.341.5961
Landscape Architect License # LC00000397

well as a copy of the preliminary site plan. A color conceptual site plan will be presented at the meeting, and public input will be solicited.

Schedule of Events

The applicant proposes to solicit community opinion at the following meetings:

First Citizen Participation Meeting:

Date: January 11, 2006
Time: 6:00 p.m.
Location: Eastside Community Hall, 4300 SW 55 Avenue, Davie

Second Citizen Participation Meeting:

Date: January 18, 2006
Time: 6:00 p.m.
Location: Eastside Community Hall, 4300 SW 55 Avenue, Davie

Rhon Ernest-Jones Consulting Engineers, Inc.

OAK PARK ESTATES -- MSP 11-2-05

| PROPERTY OWNER | MAILING ADDRESS | CITY, STATE, ZIP |
|---|------------------------------|--------------------------------|
| Abraham, Harvey & Charlotte | 12542 Brookwood Court | Davie, FL 33330 |
| Albarracin, Alvaro & Madelyn | 12543 Brookwood Court | Davie, FL 33330 |
| Alvarez, Stewart & Amy Jo | 12791 S.W. 26th Street | Davie, FL 33325 |
| Animals Recreation & Rehab Center, LLC | 2670 S. Flamingo Road | Davie, FL 33330-1302 |
| Avino, Julio & Ada | 13236 S.W. 36th Street | Miramar, FL 33027 |
| Bange, Paul & Nanci | 2950 S. Flamingo Road | Davie, FL 33330-1308 |
| Barrau, Carmel & Lamour, Josee | 12765 Stonebrook Drive | Davie, FL 33330 |
| Becerra, Maria | 2850 W. Stonebrook Circle | Davie, FL 33330 |
| Benson, Hayward Stephan | 2017 N.W. 46th Avenue, #205A | Lauderhill, FL 33313 |
| Blackann, Alison & Horvath, Ronald | 2751 S.W. 121st Avenue | Davie, FL 33330-1311 |
| Bovie, Josephine | 2695 S.W. 121st Terrace | Davie, FL 33330-1319 |
| Brown, Gary & Mindy | 2753 W. Stonebrook Circle | Davie, FL 33330 |
| Burk, Ronald & Lisa | 12750 Kapok Lane | Davie, FL 33330 |
| Cardona, Martha | 2691 S.W. 122nd Terrace | Davie, FL 33330-1300 |
| Chance, Victor & Kimberly | 12580 N. Stonebrook Circle | Davie, FL 33330 |
| Charles, Paul, Patrick & Marie | 12481 N. Stonebrook Circle | Davie, FL 33331 |
| Chwojko, Edward & Katarzyna | 2901 E. Stonebrook Circle | Davie, FL 33330 |
| Cole, Jamie & Debra | 12462 Brookwood Court | Davie, FL 33330 |
| Coote, Michael | 12861 Kapok Lane | Davie, FL 33330 |
| Cutino, Victor | 2995 S.W. 121st Avenue | Davie, FL 33330 |
| De Castillo, Ricardo & Ana Perez | 12681 N. Stonebrook Circle | Davie, FL 33330 |
| DiBiasi, Dorothy Family Limited Partnership | P. O. Box 780 | Lynnfield, MA 01940 |
| Friedewald, Jr., Don & Ridgeway, Donna | 12911 S.W. 26th Street | Davie, FL 33325 |
| Frohning, C.A. & Linda | 2690 S.W. 122nd Terrace | Davie, FL 33330 |
| Garrett, Shawn | 12704 Stonebrook Drive | Davie, FL 33330 |
| Gilmore, Robert & Sandra | 12641 N. Stonebrook Circle | Davie, FL 33330 |
| Glover, John | 12735 Stonebrook Drive | Davie, FL 33330 |
| Goldman, Wayne & Maryanne | 2853 W. Stonebrook Circle | Davie, FL 33330 |
| Grey, Carol | 2670 S.W. 122nd Terrace | Fort Lauderdale, FL 33330-1333 |
| Griner, W.B. & Cheryl | 2675 S.W. 121st Terrace | Davie, FL 33330-1319 |
| Grodsky, Alan & Adele | 12480 N. Stonebrook Circle | Davie, FL 33330 |
| Hakopian, Ambakum & Nina | 2951 E. Stonebrook Circle | Davie, FL 33330 |
| Hochstein, Robert | 1877 Harbour Point Circle | Weston, FL 33327 |
| Hood, Scott | 12583 Brookwood Court | Davie, FL 33325 |
| Hubschman, Deborah Ann | 12800 Kapok Lane | Davie, FL 33330 |
| Iten, Louis & Patricia | 12850 Kapok Lane | Davie, FL 33330 |
| Jarolem, Kenneth & Ailsa | 12520 N. Stonebrook Circle | Davie, FL 33331 |
| Kennedy, Scott & Gail | 12640 N. Stonebrook Circle | Davie, FL 33330 |
| Knight, Sammy & Freda | 12463 Brookwood Court | Davie, FL 33331 |
| Lawrence, Krishna William | 2900 W. Stonebrook Circle | Davie, FL 33330 |
| Leto, Sr., John & Joan | 2550 Noah Place | Davie, FL 33325 |
| Leto, Sr. John | 5121 Jackson Street | Hollywood, FL 33021-7233 |
| Lewin, Harley | 12561 N. Stonebrook Circle | Davie, FL 33330 |
| Lewin, Robert & Lisa | 12441 N. Stonebrook Circle | Davie, FL 33331 |
| Lewis, Jack | 12503 Brookwood Court | Davie, FL 33330 |
| Linares, Carlos & Judy | 12941 Kapok Lane | Davie, FL 33330 |
| Miele, Veronica | 2421 S.W. 127th Avenue | Davie, FL 33325-5600 |
| Mixon, Kenneth & Darcee | 12741 Kopak Lane | Davie, FL 33330 |
| Moren Enterprise in Davie, LLC | 6233 N. University Drive | Tamarac, FL 33334 |
| Moses Family Limited Partnership | 2799 N.W. 55th Avenue | Lauderhill, FL 33313 |
| Munn, Hensley & Cynthia | 235-15 129th Avenue | Laurelton Queens, NY 11422 |
| Nichols Associates, Ltd. | 5021 S.W. 51st Street | Davie, FL 33314-5509 |
| PACC Development, LCC | 7116 S.W. 47th Street | Miami, FL 33155 |
| Pegg, Joe, Pegg, W.S. Pegg, H.S. Pegg Et Uxes | RR2 Box 3408 | Nashville, GA 31639 |
| Phillips, Richard & Carol | 12764 Stonebrook Drive | Davie, FL 33331 |

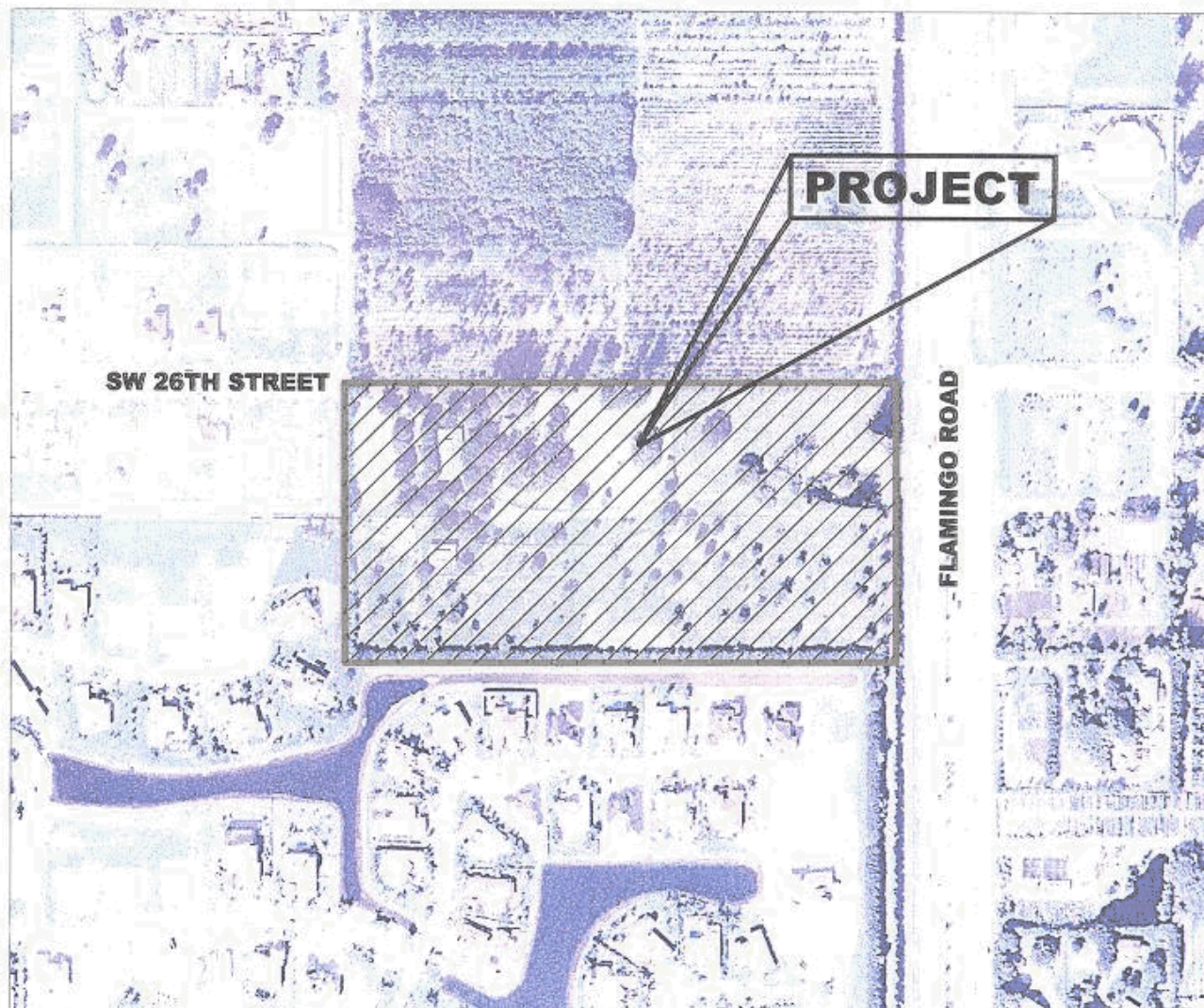
OAK PARK ESTATES -- MSP 11-2-05

| PROPERTY OWNER | MAILING ADDRESS | CITY, STATE, ZIP |
|--|--------------------------------------|--------------------------------|
| Plasencia, Oscar | 2603 S.W. 122nd Avenue | Davie, FL 33330-1329 |
| Prior, Peter & Gail | 2780 S. Flamingo Road | Davie, FL 33330-1304 |
| REJA Enterprises, Inc. | 1300 S.W. 17th Street Causeway, #202 | Fort Lauderdale, FL 33316 |
| Renner, Mark | 1604 Salerno Circle | Weston, FL 33327 |
| Riley, Everette & Charleen | 2851 E. Stonebrook Circle | Davie, FL 33330 |
| Rodriguez, Luis | 12912 S.W. 26th Street | Davie, FL 33325 |
| Ruzicka, Thomas | 12601 N. Stonebrook Circle | Davie, FL 33330 |
| Sacco, Leon & Corina | 12854 Stonebrook Drive | Davie, FL 33330 |
| Saffie, Edward | 12701 Kapok Lane | Davie, FL 33330 |
| Schubert, Robert | 12502 Brookwood Court | Davie, FL 33330 |
| Schumacker, Joseph & Janelda | 12734 Stonebrook Drive | Davie, FL 33330 |
| Sierocuk, Thomas & Darlene | 12882 S.W. 26th Street | Davie, FL 33325 |
| Silverman, Andrew | 12852 S.W. 26th Street | Davie, FL 33330 |
| Skidmore, Alan | 2602 S.W. 122nd Avenue | Davie, FL 33330-1330 |
| Sleipnes, Svein & Katherine | 12700 Kapok Lane | Davie, FL 33330 |
| Sohmer, Paul & Donna | 2651 S.W. 122nd Terrace | Davie, FL 33330-1300 |
| Solomon, Faithrowena & Jessica | 6881 N.W. 45th Street | Lauderhill, FL 33319 |
| Sorensen, David & Shirley | 2800 W. Stonebrook Circle | Davie, FL 38330 |
| Spradlin, Alan | 12901 Kapok Lane | Davie, FL 33330-1294 |
| State of Florida DOT | 3400 W. Commercial Boulevard | Fort Lauderdale, FL 33309-3421 |
| Stonebrook Estates, Ltd. c/o St. Andrews CC Realty | 7227 Clint Moore Road | Boca Raton, FL 33496-1402 |
| Thompson, Adam | 12440 N. Stonebrook Circle | Davie, FL 33330 |
| Todinca, George & Valeria | 406 N.W. 68th Avenue, #514 | Plantation, FL 33317 |
| Toral, Alejandro & Ilana | 12822 S.W. 26th Street | Davie, FL 33330 |
| Town of Davie | 6591 S.W. 45th Street | Davie, FL 33004 |
| Trombino, Rev. Kathleen | 2920 N. Atlantic Boulevard | Fort Lauderdale, FL 33308-7512 |
| Vietnamese Buddhist Cultural Center of Florida, Inc. | 2321 S.W. 127th Avenue | Davie, FL 33325 |
| Wannstedt, David | 12600 N. Stonebrook Circle | Davie, FL 33330 |
| Warren, David & Charlene | 12761 S.W. 26th Street | Dania, FL 33325 |
| Weekley, Daniel | 20701 Stirling Road | Pembroke Pines, 33332 |
| Westcott, Paul & Donna | 12762 S.W. 26th Street | Davie, FL 33325 |
| Wilson Heights Development, Inc. | 3842 S. 16th Avenue | Hialeah, FL 33012 |
| Wood, Robert | 2075 S. Flamingo Road | Davie, FL 33325 |
| Young, Kevin & Heather | 2801 E. Stonebrook Circle | Davie, FL 33330 |
| Zafrani, Abraham | 2800 S. Flamingo Road | Davie, FL 33330 |
| Zamora, Wilfredo & Maria | 12792 S.W. 26th Street | Davie, FL 33325 |

N



SCALE: N.T.S.



SECTION: 23
TOWNSHIP: 50 S
RANGE: 41 E

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.

12500 WEST ATLANTIC BOULEVARD
CORAL SPRINGS, FLORIDA 33071
(954) 344-9855

OAK PARK ESTATES

AERIAL MAP

TOWN OF DAVIE

BROWARD COUNTY

FLORIDA

BY: JLS/CB

JOB No.: 05-0507

DATE: 12/05

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.

**CIVIL ENGINEERS LAND PLANNERS
TRANSPORTATION PLANNERS LANDSCAPE ARCHITECTS**

MEETING NOTICE

December 28, 2005

**Re: Citizen Participation Plan Meeting for Oak Park Estates
Project Number MSP 11-2-05**

Dear Neighbor:

This letter is to invite you to a citizen participation meeting relating to Oak Park Estates, a quality residential community planned near property you own in the Town of Davie. Oak Park Estates is located on the west side of Flamingo Road at SW 26th Street, and will consist of 17 single-family residential homes intended to complement surrounding developments as well as enhance area property values.

Under a Town of Davie ordinance, the applicant for site plan approval is required to hold two (2) citizen participation meetings and send notice to all property owners within 1,000 feet of the subject site prior to the Town initiating application review. Accordingly, we have scheduled the following meetings:

First Citizen Participation Meeting:

Date: January 11, 2006
Time: 6:00 p.m.
Location: Eastside Community Hall, 4300 SW 55 Avenue, Davie

Second Citizen Participation Meeting:

Date: January 18, 2006
Time: 6:00 p.m.
Location: Eastside Community Hall, 4300 SW 55 Avenue, Davie

Directions to Eastside Community Hall: Take I-595 to Davie Road exit, travel south 2 miles, turn east on Orange Drive, continue to SW 55 Avenue, turn left and the hall is on the east side of SW 55 Avenue.

Note: Please be advised that if there is no attendance at the first citizen participation meeting, the second meeting may be cancelled.

If you wish to submit written comments, please send them to:

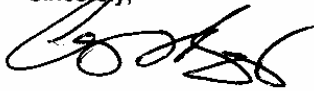
Craig L. Bencz, AICP
Director of Planning
Rhon Ernest-Jones Consulting Engineers, Inc.
12500 West Atlantic Boulevard
Coral Springs, FL 33071

12500 WEST ATLANTIC BOULEVARD CORAL SPRINGS, FLORIDA 33071 Tel: 954.344.9855 Fax: 954.341.5961
Professional Engineer License: ES8451 www.rejce.com Landscape Architect License: LC0000367

Community Meeting Notice
Oak Park Estates
November 28, 2005
Page 2

Also, please be advised that there will be additional opportunities for public input at the Town of Davie Public Hearings.

Sincerely,



Craig L. Bencz, AICP
Director of Planning

Attachments: Location Map & Proposed Site Plan

(NOTE: MEMBERS OF TOWN COUNCIL MAY BE PRESENT)

Rhon Ernest-Jones Consulting Engineers, Inc.

Oak Park Estate

1/11/06
6-8 pmSIGN IN SHEET
PUBLIC PARTICIPATION MEETING I.

(Date)

| NAME | ADDRESS | PHONE |
|-----------------------------|--------------------------------------|------------------------------|
| Emmanuel Fox | 12701 SW 26 St Davie, FL 33225 | 954-946-2174 |
| SUEIN SKATIPUES | 12700 Vesper Ln Davie FL 33331 | 954-577-9400 |
| JOHN GLOVER | 12735 Stonebrook Dr. Davie, FL | 954.473-0524 |
| Norman TARPINS, MD | 126 28 Equestrian Trail, Davie | 954-916-1134 |
| Susan TARPINS | " | " |
| ALEXANDRA ZAHORA | 12792 SW 26 ST DAVIE 33325 | (954)474.4614 |
| Craig Stipe | 6590 Griffin Rd Davie, FL | (954)868-2677 |
| PAUL WESTCOTT | 12762 SW 26th ST DAVIE FL 33325 | 954.370.8298 |
| DAVID WARREN | 12761 SW 26th ST DAVIE FL 33325 | 954.771.3825 954-915-6671 |
| Rob & Sandie Gilmore | 12641 N. Stonebrook Cir, Davie 33330 | 954.303.6488 |
| Adelle & Alan Grodsky | 12480 N. Stonebrook Circle DAVIE | 954-915-0291 |
| Lisa & Robert Lewin | 12441 N. Stonebrook Circle. Davie | 954-423-0063 33330 |
| Donna Marolha | 13640 SW. 29 Street DAVIE | 33330 (954)475-9891 |
| Joseph + Patricia Pensabene | 12732 SW 26th St Davie | 33325 954 431 5397 |
| NEAL KALIS | 7520 Griffin Rd Ste 109 Davie | 954-741-0472 |
| RON REITSMA | 12580 RIDGEWAY CT. DAVIE | 33330 954-931-9229 |
| Melanie & William Ford | 12702 SW 26 Street DAVIE | 33325 954 324 5552 |
| (lot 1) | | |
| DARLENE STEROUK | 12882 SW 26th St, Davie | 33325 954-723-95 |
| TOM STEROUK | 12882 SW 26th St. DAVIE | 33325 954-723-95 |
| GARRY CONNORS | 12971 S.W. 26 St DAVIE | 33325 954-424-294 |
| James Williams | 12942 S.W. 26 St Davie, | 33325 954 236 8505 |
| STEWART ALVAREZ | 12791 S.W. 26th DAVIE, 33325 | 954.475.8871 |
| ANDRÉO TORAL | 12882 SW 26 ST DAVIE, FL. | 33325 |
| Daniela Cirioniso | 12912 SW 26 Street Davie, FL | 33325 954 413 1412 |
| Luis Rodriguez | 12912 SW 26 Street Davie, FL | 33325 over |

Gregory Postman
THOMAS Ruzicka

12831 SW 26 ST LOT 19 DAVIE 305 502-1111
12601 N. STONEBROOK CIRCLE 954-475-1115

1/18/06

6-8 pm

SIGN IN SHEET
PUBLIC PARTICIPATION MEETING II.

Oak Pl. Estates
 (Date) 1/18/06

| NAME | ADDRESS | PHONE |
|---------------------------|-------------------------|--------------|
| CHARLIE & Pam Capps | 13510 SW 26 St | 476-9410 |
| Joseph + Patty Pensabene | 12732 SW 26th St | 431-5397 |
| Willie + ALEXANDRA ZAMORA | 12792 SW 26 St | 474-4614 |
| DAVID WARD | 12761 SW 26th St | 915-6671 |
| Melanie & William Ford | 12702 SW 26 St | 954-325-0558 |
| James & Janet Williams | LOT 1 12942 SW 26 St | 305-298-9662 |
| DARLENE & TOM SIEMER | 12882 SW 26th St | 954-723-9568 |
| RON REITSMIT | STONEBROOK | 954-931-9229 |
| ALEXANDRO TORAL | 12822 SW 26 St | 805-467-0729 |
| Emmanuel Poup | 12701 SW 26 St | 954-940-2174 |
| Dan FRIEDEMANN | 12911 SW 26 St | 954-473-5109 |
| Mark Renner | 12821 SW 36 St | 954-914-9003 |
| Rob & Sandie Gilmore | 12641 NE Stonebrook | 954-424-8410 |

Exhibit 8 (Public Participation Summaries)

Bencz, Craig (craig@rejce.com)

From: Bencz, Craig (craig@rejce.com)
Sent: Friday, January 20, 2006 1:40 PM
To: 'David_Abramson@davie-fl.gov'; 'marcie_nolan@davie-fl.gov'
Cc: Ernest-Jones, Rhon (rhon@rejce.com)
Subject: Oak Park Estates -- Community Meeting Results
Importance: High
Attachments: davie comm mtg.pdf; sierocuk corr.pdf

Hi David,

Attached are the participant lists from each of our community meetings for the subject project, which were held on January 11 and January 18 at 6 p.m. The meetings were each held at the Eastside Community Hall, and were very well attended by the community. In accordance with the Town's requirements related to these meetings, I have also attached a copy of correspondence I received prior to the meetings via fax from Diane Sierocuk.

In addition to what is included below, it should be noted that the applicant met with Chief DiPetrillo on January 9, 2006 in an effort to address community concerns related to the extension of SW 26th Street. Chief DiPetrillo acknowledged that there has been significant opposition to the road extension in the past, and that he would not oppose the community's desire for the road to remain segmented and unimproved north of the project site.

The following is a summary of discussion items at each meeting.

January 11, 2006 Community Meeting

- The site plan and project background information was presented by Rhon Ernest-Jones.
- Extensive discussion ensued regarding the community's desire for SW 26th Street to remain unimproved north of the project site.
- There was a strong desire for the primary access to the site **not** to align with the SW 26th Street right-of-way. Accordingly, the applicant agreed to present an alternate site plan at the next meeting with an access point central to the site (access from Flamingo Road).
- There was support for the project, with the condition that SW 26th Street is not improved on the north side of the site. The participants are opposed to the 40 ft. right-of-way dedication, as this creates the possibility for future road improvement.
- The type, size and price range of the proposed homes was discussed.
- The applicant reiterated a commitment to save as many trees as possible on the site, and address trees that were damaged by Hurricane Wilma.
- There was discussion regarding the Davie LDC requirements for dry lot size minimum, lot width requirements, etc.

January 18, 2006 Community Meeting

- A revised site plan was presented, which shows access centrally located from Flamingo Road. Participants were in favor of this plan.
- An alternate site plan was presented that showed the potential for the site if the (current) 40 ft. right-of-way dedication were removed, or if the dedicated area could be counted towards dry lot size. The community was in favor of the alternate plan, which incorporates a lake central to the site, with homes placed around the lake on the perimeter of the property.
- There was general discussion regarding buffering between Stonebrook and the subject site.
- Discussion ensued regarding the potential for deed restricting the right-of-way easement so that vehicular use could not occur in the future.
- Participants discussed surrounding developments, and noted that the site at the northeast corner of Flamingo Road and SW 26th Street is zoned for open space use, and cannot be developed in the future.

I hope this summary and the provided attachments are sufficient to meet the Town's requirements. Please do not hesitate to contact me if I can provide additional information, or clarification of the comments summarized herein.

As you know, this project is scheduled for public DRC consideration on January 25th. Please let me know the time and location of this meeting, and the meeting format. Do we need to be prepared to make a formal presentation at DRC, or is it typically used as a forum to distribute staff review comments?

Thank you.

Craig Bencz, AICP

Director of Planning
Rhon Ernest-Jones Consulting Engineers, Inc.
12500 West Atlantic Boulevard
Coral Springs, FL 33071
Tel: 954.344.9855 ext.106
Fax: 954.341.5961
E-mail: Craig@rejce.com
www.rejce.com

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Exhibit 9 (Future Land Use Map)

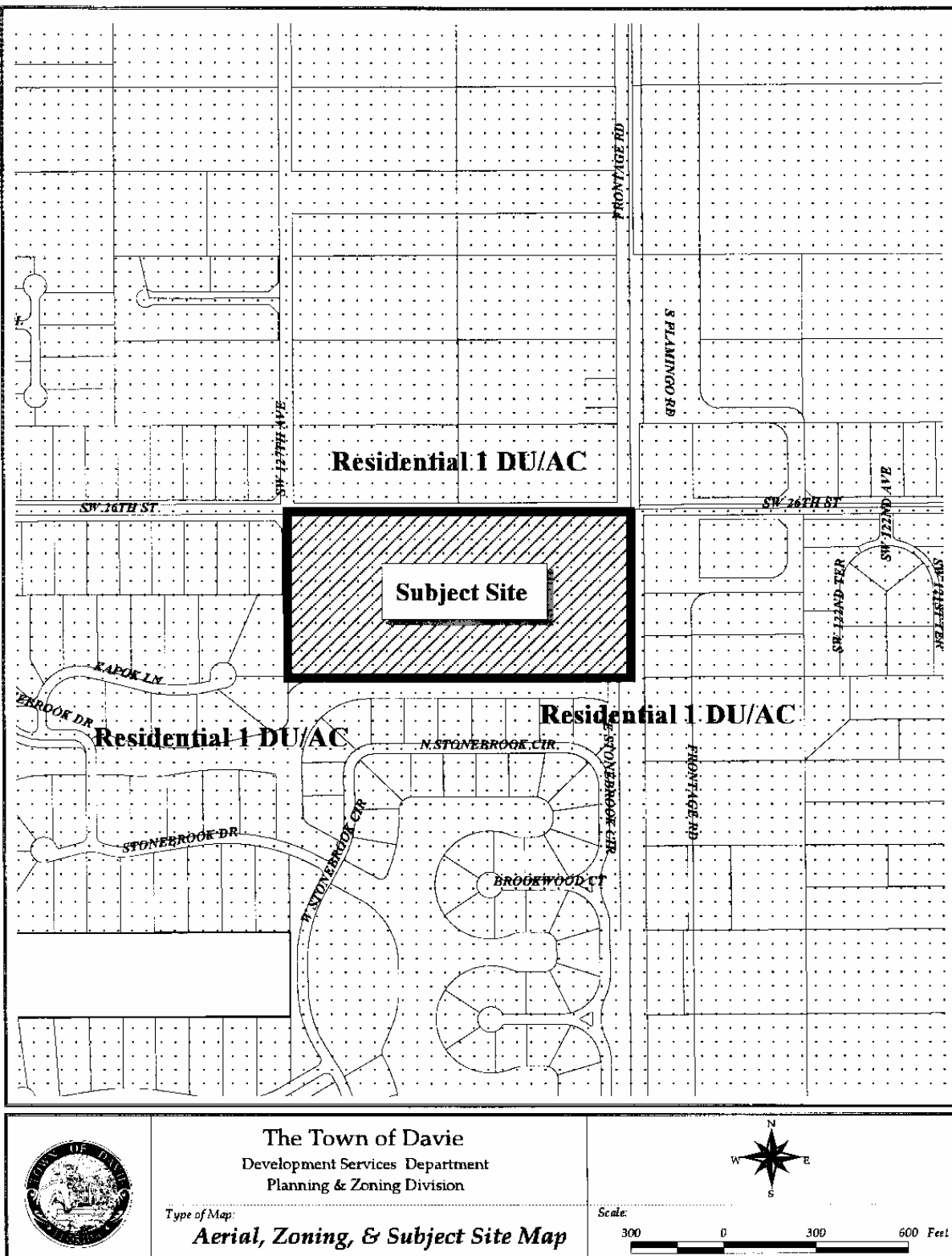
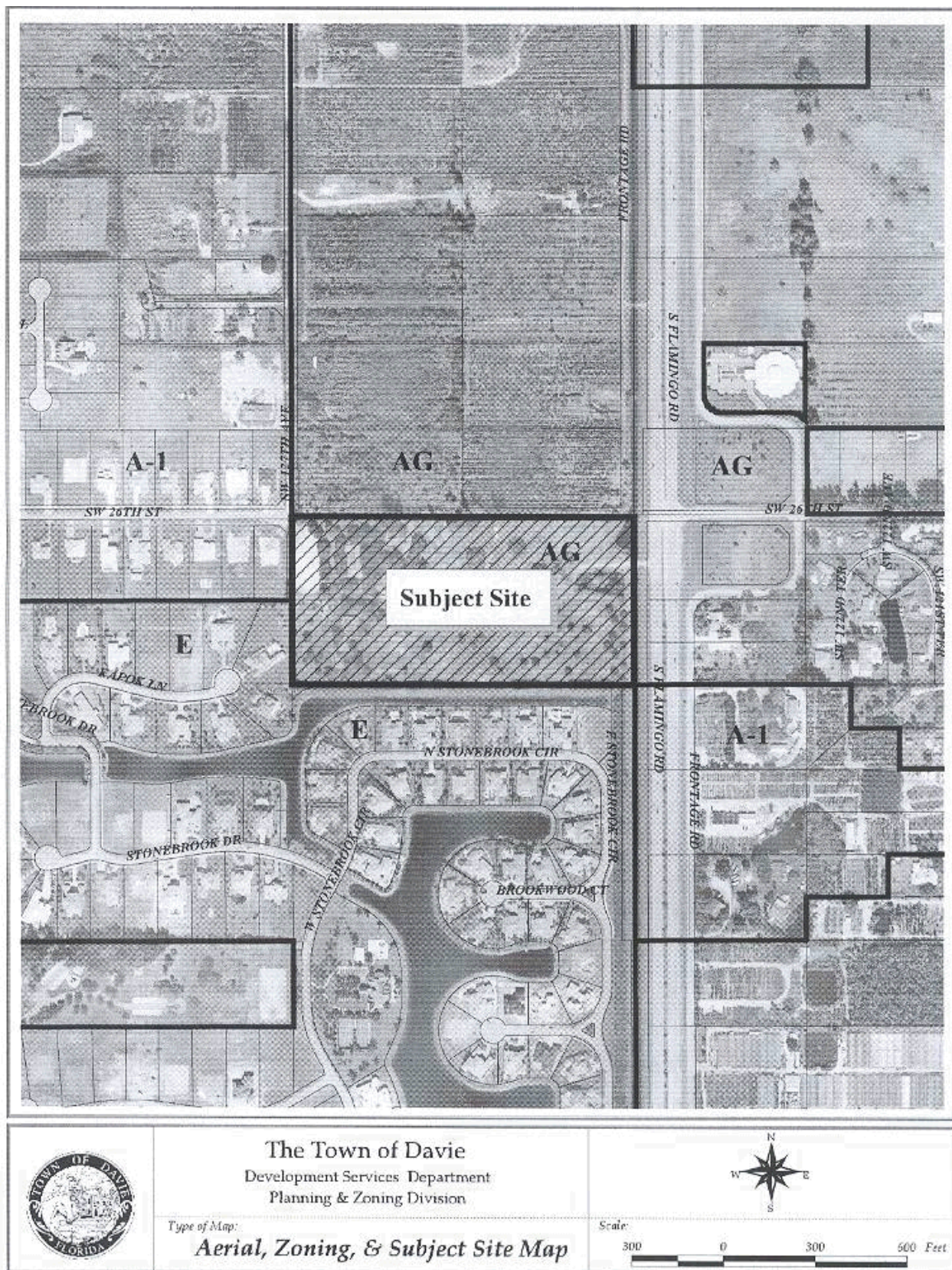


Exhibit 10 (Aerial, Zoning, and Subject Site Map)



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TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Ingrid Allen, Planner II

SUBJECT: Quasi Judicial Hearing: Variance, V 12-1-06 Moses, 2353 SW 132 Way,
Generally located on the west side of SW 132nd Way approximately 900 feet north of SW 26 Street.

AFFECTED DISTRICT: 4

TITLE OF AGENDA ITEM: V 12-1-06 Moses, 2353 SW 132 Way, (A-1)

REPORT IN BRIEF: The petitioner's request is to reduce the required south side setback of the A-1, Agricultural District, from 30' to 25' in order to accommodate a 2,090 square foot addition to the existing home. Section 12-81 (A) of the Land Development Code requires a minimum 30' side setback from the property line in the A-1, Agricultural District.

The justification by the petitioner for this variance is that the existing home was built with a 25' south side setback and therefore the proposed addition should be constructed in line with the existing home. Residential homes approved and/or built prior to the adoption of the Rural Lifestyle Initiative (RLI) regulations had a twenty-five (25) foot side setback.

PREVIOUS ACTIONS: none

CONCURRENCES: At the March 14, 2007 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Mr. Stevens, to approve. (Motion carried 5-0)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

5. **Attachment(s):** Justification letter, Survey, Site Plan, Floor Plan, Letters from adjacent property owners, HOA Architectural approval letter, Future Land Use Plan Map, Zoning and Aerial Map

TOWN OF DAVIE, FLORIDA
INTER-OFFICE MEMORANDUM

TO: Mayor Thomas Truex
Members of the Town Council
Gary Shimun, Town Manager

FROM: James A. Cherof, Town Attorney

CC: Russell C. Muniz, Town Clerk

RE: Zoning Variances

DATE: February 21, 2007

Several applications for variances are working their way forward for review by the Town Council. The following is intended to provide a legal backdrop against which those variances should be viewed.

THE TOWN CODE AND THE LAW

Generally, a "variance" is defined as "the relief granted from the literal enforcement of a zoning ordinance permitting the use of property in a manner otherwise forbidden upon a finding that enforcement of the ordinance as written would inflict practical difficulty or unnecessary hardships on a property owner." Bd. of Adjustment of Ft. Lauderdale v. Kremer, 139 So.2d 448, 451 (Fla. 2d DCA 1962).

Section 12-309 of the Town's Land Development Code (LDC) allows a person to request relief from the strict application of the land development regulations. Variances may only be considered for:

- height
- area
- number of required parking spaces
- plant units
- size of structure
- size of yards and open spaces
- fence design in the rural lifestyle
- separation requirements

Section 12-309 lists the criteria that the Town Council must review when considering an application for variance. The criteria, reworded as questions, are as follows:

1. Are there special circumstances or conditions applying to the land or building for which the variance is sought?

Page 1 of 3

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2. Are the circumstances or conditions peculiar to such land or building and not applied generally to land or buildings in the same district?
3. Are the circumstances or conditions such that the strict application of the provisions of this Town's Land Development Code would deprive the applicant of the reasonable use of such land or building for which the variance is sought?
4. Is there a hardship that is not self-created by any person having an interest in the property?
5. Is the variance necessary for the reasonable use of the land or building?
6. Is the variance as requested the minimum variance that will accomplish this purpose of allowing the reasonable use of the land or building?
7. If the variance is granted, will the building or structure be in harmony with the general purpose and intent of the Town's Land Development Code and not be injurious to the neighborhood or otherwise detrimental to the public welfare?

When reviewing an application for a variance, the Town Council must be able to answer all of the questions "YES" to grant a variance. If any of the questions are answered "NO", the variance should be denied.

The Town's variance procedure contains a hardship standard. "Hardship" as it relates to variances, has generally been defined as a non-self created characteristic of the property in question which renders it virtually impossible to use the land for the purpose or in the manner for which it is zoned. (*Hemisphere Equity Realty v. Key Biscayne Property Taxpayers Ass'n*, 369 So.2d 996 (Fla. 3d DCA 1979).

The provisions of the Town Code that impose the hardship standard are common to municipal zoning codes throughout Florida. As noted in *Miami-Dade County v. Brennan* 802 So.2d 1154, 1155 - 1156 (Fla 3d DCA,2001):

Unnecessary hardship thus has almost uniformly been the standard throughout the communities of the state for the granting of variances. E.g., *Nance v. Town of Indialantic*, 419 So.2d 1041 (Fla.1982); *Clarke v. Morgan*, 327 So.2d 769 (Fla.1975)[City of Tampa]; *Josephson v. Autrey*, 96 So.2d 784 (Fla.1957)[City of Daytona Beach]; *Tau Alpha Holding Corp. v. Board of Adjustments*, 126 Fla. 858, 171 So. 819 (1937)[City of Gainesville]; *Town of Ponce Inlet v. Rancourt*, 627 So.2d 586 (Fla. 5th DCA 1993); *Maturo v. City of Coral Gables*, 619 So.2d 455 (Fla. 3d DCA 1993); *Herrera v. City of Miami*, 600 So.2d 561 (Fla. 3d DCA 1992); *Bernard v. Town Council of Palm Beach*, 569 So.2d 853 (Fla. 4th DCA 1990); *1156 *Thompson v. Planning Comm'n*, 464 So.2d 1231 (Fla. 1st DCA 1985)[City of Jacksonville]; *Bell v. City of Sarasota*, 371 So.2d 525 (Fla. 2d DCA 1979); *Board of Adjustment of City of Ft. Lauderdale v. Kremer*, 139 So.2d 448 (Fla. 2d DCA1962).

The Town Code does not identify "financial hardship" as a basis for granting a variance. The exclusion of financial hardship as grounds for granting a variance is supported by Florida case law. As held in (*Town of Ponce Inlet v. Rancourt*) 627 So.2d 586, *588 (Fla 5th DCA,1993), "hardship cannot be one of

mere economic disadvantage". Citing Metropolitan Dade County v. Reineng Corp., 399 So.2d 379 (Fla. 3d DCA 1981); Burger King v. Metropolitan Dade County, 349 So.2d 210 (Fla. 3d DCA 1977), appeal dismissed, 355 So.2d 512 (Fla.1978).

As summarized in Bernard v. Town Council of Town of Palm Beach 569 So.2d 853, (Fla 4th DCA,1990):

a "hardship" may not be found unless no reasonable use can be made of the property without the variance; or, stated otherwise, "the hardship must be such that it renders it virtually impossible to use the land for the purpose for which it is zoned." Town of Indian River v. Nance, 485 So.2d 1318, 1320 (Fla. 5th DCA), rev. denied, 494 So.2d 1152 (Fla.1986).

See also Thompson v. Planning Comm'n, 464 So.2d 1231 (Fla. 1st DCA 1985) (hardship necessary to obtain zoning variance may not be found unless there is showing that under present zoning no reasonable use can be made of property, and self-created hardship cannot

constitute basis for a zoning variance.) (emphasis added)

CONCLUSION AND RECOMMENDATION

An applicant seeking a variance has a significant burden to establish a right to a variance under the Town's regulations. It will be the rare case when all of grounds for obtaining a variance can be met. In circumstances when the Town Council determines that strict application of the standards for granting a variance results in an undesirable outcome (a denial of the variance), I recommend that the Council nonetheless deny the variance but consider if a code amendment is appropriate to address the code standard which gave rise to the request for the variance.

If the Council finds that the code standard which gave rise to the need for a variance is out of sync with the Town's development standards or building trends, a code amendment should be considered. A code amendment gives all property owners equal standing to use their property and provides consistency in development. Variances, on the other hand, give the appearance of preferential status, particularly when the applicant's ability to meet the criteria for obtaining a variance is questionable.

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner/Petitioner:

Name: Thomas & Ilana Moses
Address: 2353 SW 132nd Way
City: Davie, FL 33325
Phone: (954) 475-1479

Background Information

Date of Notification: March 7, 2007 **Number of Notifications:** 65

Application Request: Variance **FROM:** Section 12-81 (A) of the Land Development Code, which requires a minimum 30' side setback from the property line in the A-1, Agricultural District. **TO:** Reduce the minimum to a 25' south side setback from the property line in order to accommodate an addition to the existing home.

Address/Location: 2353 SW 132nd Way/Generally located on the west side of SW 132nd Way approximately 900 feet north of SW 26 Street.

Future Land Use
Plan Map Designation: Residential 1 Dwelling Unit per Acre

Zoning: A-1, Agricultural District

Existing Use: Single-family residential dwelling unit

Proposed Use: Single-family residential dwelling unit

Parcel Size: Approximately 35,100 square feet

Surrounding Future Land
Use Plan Map

| | <u>Surrounding Uses:</u> | <u>Designations:</u> |
|---------------|---------------------------------|--------------------------------------|
| North: | Single family dwelling | Residential 1 Dwelling Unit per Acre |
| South: | Single family dwelling | Residential 1 Dwelling Unit per Acre |
| East: | Single family dwelling | Residential 1 Dwelling Unit per Acre |
| West: | Van Kirk Park | Residential 1 Dwelling Unit per Acre |

Surrounding Zoning:

North: A-1, Agricultural District
South: A-1, Agricultural District
East: A-1, Agricultural District
West: RS, Recreation/Open Space District

Zoning History

Plat History: The subdivision plat, Emerald Springs Homes of Davie, was approved by Town Council on March 21, 1990 and was later recorded by the County in Book 149 of plats at page 48 of the public records of Broward County, Florida.

Site Plan: The site plan, SP 9-2-93 Emerald Springs Homes of Davie, was approved by Town Council on October 20, 1993.

Related Variance Requests: The Variance, V 8-1-96 Emerald Springs Homes of Davie, Inc., from: Section 12-81(A) of the Land Development Code that was applicable at the time of the site plan approval for Emerald Springs Homes of Davie which requires a side yard setback of 25' in the A-1 district; to: reduce the required side yard setback to 23.69' along the east side of Lot 63; and from Section 12-81 (A) which requires a side yard setback of 25' in the A-1 district; to: reduce the required side yard setback to 23' along the west side of Lot 63, was approved by Town Council on September 20, 1996.

The Variance, V 1-3-02 Glantz, from Section 12-81(A) of the Land Development Code that was applicable at the time which required a 25' minimum side yard setback; to reduce the minimum to 13.79' in order to allow the addition of a recreation room on the southwest corner of the residence, was approved by Town Council on May 15, 2002.

The Variance, V 2-1-06 O'Connor, from Section 12-81(A) of the Land Development Code, which requires a minimum 30' side setback from the property line in the A-1, Agricultural District; to: reduce the south side setback to 25.2' so that an addition may be constructed on the southwest corner of the residence in line with the 25.2' side setback of the existing home, was approved by Town Council on September 20, 2006.

The Variance, V 2-2-06 Rousseau, from Section 12-81(A) of the Land Development Code, which requires a minimum 30' side setback from the property line in the A-1, Agricultural District; to: reduce the north side setback to 24.9' so that an addition may be constructed on the northwest corner of the residence in line with the 24.9' side setback of the existing home, was approved by Town Council on September 20, 2006.

Application Details

The petitioner is requesting a variance from Section 12-81 (A) of the Land Development Code, which requires a minimum 30' side setback from the property line in the A-1, Agricultural District, to reduce the minimum to a 25' south side setback so that a 2,090 square foot addition may be constructed in line with the existing home. The petitioner has submitted both a site plan and floor plan (see Exhibits 3 & 4) for a one-story addition to the existing residence.

Applicable Codes and Ordinances

DIVISION 2. GENERAL REGULATIONS

Land Development Code §12-309 of the Land Development Code, review for variances.

Land Development Code § 12-24 (I)(1) Agricultural (A-1) District: The A-1 district is intended to implement the Agricultural and Residential one (1) unit per acre classifications of the Town of Davie Comprehensive Plan and to maintain, protect and encourage the continuance of a productive agricultural community in Davie by ensuring that developments are buffered from existing agricultural uses.

Article IX. Rural Lifestyle Regulations, Ordinance No. 2002-35, adopted on October 16, 2002.

DIVISION 3. RURAL LIFESTYLE DEVELOPMENT REGULATIONS

Land Development Code §12-81 (A) Conventional Single Family Development Standards, A-1 zoning district, requires the following minimums: lot area of 35,000 square feet, 140' frontage, 40-50' front setback, 30' side setbacks, 35' rear setback, 35' maximum building height, and 25 percent maximum building coverage.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies: *Future Land Use Element, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Staff Analysis

The petitioner's request is to reduce the required side setback of the A-1, Agricultural District, from 30' to 25' in order to accommodate a 2,090 sq. ft. addition that would maintain the side setback of the existing residence. The proposed addition consists of a game room, media room, exercise room, bathroom with sauna and covered terrace. The existing living area of 5,827 square feet and the proposed addition of 2,090 square feet brings the total amount of building coverage to 7,917 square feet which is below the maximum lot coverage of 25% or 8,775 square feet of building permitted on this site.

The petitioner has obtained architectural approval (see Exhibit 6) from the Emerald Springs Homes of Davie Home Owners Association. In addition, the petitioner has submitted letters of approval from adjacent property owners to the immediate north and south (see Exhibit 5). The justification by the applicant for this variance is that the existing home was built with a 25' side setback. Subsequently, the Rural Lifestyle Regulations (Ordinance No. 2002-35) were adopted on October 16, 2002 whereby the side setbacks requirements changed from 25' to 30' in the A-1, Agricultural District. In review of the survey, staff concludes that while it may seem logical to build an addition in line with an existing structure, the parcel can accommodate an addition with a 30' side setback.

Staff Findings of Fact

Variances:

Section 12-309(B) (1): The following findings of facts apply to the variance request:

- (a) There are no special circumstances or conditions applying to the land or building for which the variance is sought;

The 37,100 square foot parcel and existing home can support an addition that does not require a variance. While the design of the addition logically aligns with the existing side setback of 25', a plan that includes all of the desired amenities can be designed with a 30' side setback.

which circumstances or conditions are not peculiar to such land or building and do apply generally to land or buildings in the same district;

The required 30' side setback applies equally to properties within this development and within the A-1, Agricultural zoning district.

and that said circumstances or conditions are not such that the strict application of the provisions of this chapter would not deprive the application of the reasonable use of such land or building for which the variances are sought;

The parcel is being reasonably used now without a variance, and an addition can be constructed at the required 30' side setback.

and that alleged hardship is self-created by any person having an interest in the property.

The need for a variance is created by the owner's desire for an addition in line with the existing home.

- (b) The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

Currently, this parcel is being reasonably used. The variance request is the minimum needed to allow the proposed addition that is in line with the existing home.

- (c) Granting of the requested variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The intent of the Land Development Code is to allow an interpretation to be made where there is a just balance between the rights of the landowner and all others who will be affected by that person's proposal. Allowing the south side setback to be reduced from 30' to 25' in order to allow the proposed addition may not be detrimental to the adjacent property to the south as the next closest structure would be approximately fifty (50) feet from the proposed addition.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Planning and Zoning Board Recommendation

At the March 14, 2007 Planning and Zoning Board meeting, Mr. Busey made a motion, seconded by Mr. Stevens, to approve. (Motion carried 5-0)

Town Council Action

Exhibits

1. Justification letter
6. Survey
7. Site Plan
8. Floor Plan
9. Letters from adjacent property owners
10. HOA Architectural approval letter
11. Future Land Use Plan Map
12. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

Exhibit 1 (Justification letter)

Mr. and Mrs. Thomas O. Moses

2353 S.W. 132nd Way
Davie, FL 33325
Mobile (305)505-5811

December 5, 2006

Town of Davie
Planning and Zoning Division
Development Services Department
6951 Orange Drive
Davie, FL 33314

**RE: Side Setback Variance Request
2353 S.W. 132 Way, Davie, Florida 33325**



To Whom It May Concern:

We, Thomas and Ilana Moses, are applying for a 25 foot setback variance on the south side of our home located at the above referenced address, for the construction of an addition (per attached drawing).

As per Table 12-81-a, Conventional Single Family Development Standards in the Town of Davie Code of Ordinances, the required setback is 30 feet. However, the purpose of this request is to allow our improvements to match the existing side setbacks of our home which are 25 feet.

We trust this request will be favorably considered. Please, if you have any questions or concerns, do not hesitate to call our home at #954-475-1479 and we will promptly respond to any and all concerns to assist the Town of Davie in approving our request for this variance. Thank you for your cooperation and assistance in this matter.

Sincerely,



Thomas and Ilana Moses

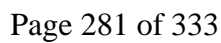


Exhibit 3 (*Site Plan*)

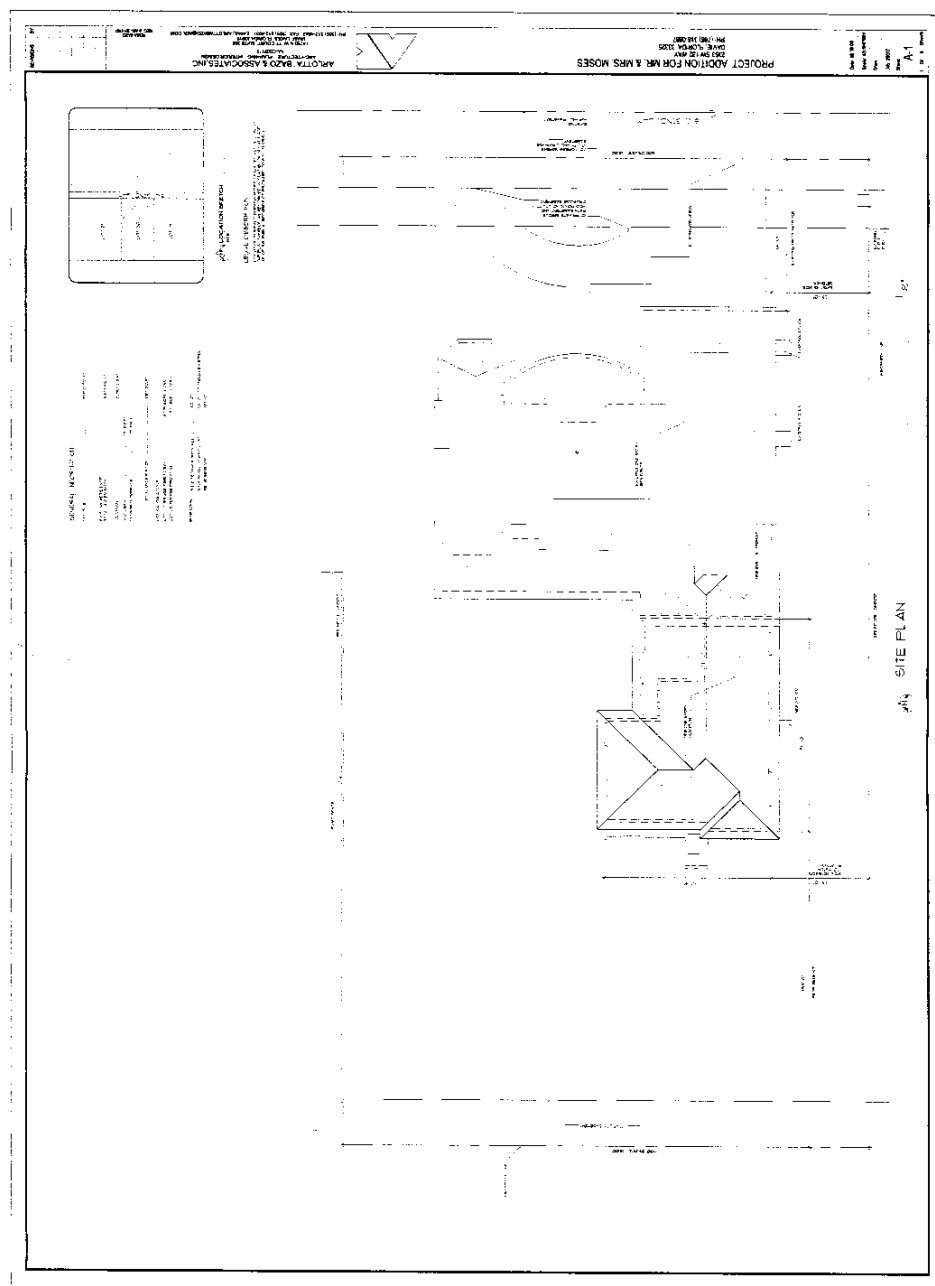


Exhibit 4 (*Floor Plan*)

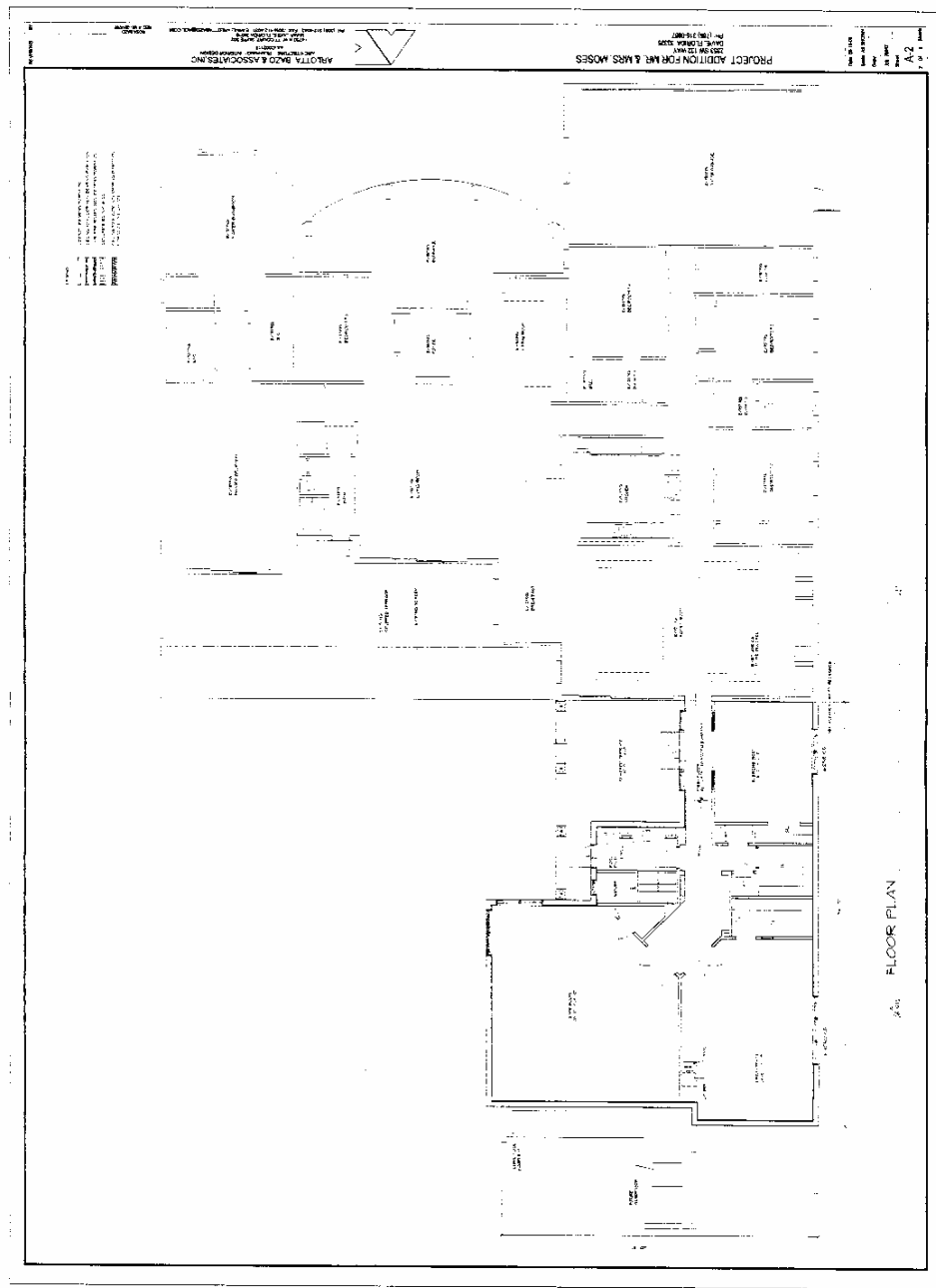


Exhibit 5 (Letters from adjacent property owners)

January 16, 2007

Ingrid Allen, Assoc. AIA, Planner II
Town of Davie
Planning and Zoning Division
Development Services Department
6951 Orange Drive
Davie, FL 33314

RE: 5' Variance Request, from 30' to 25', on South Side of Property
Property Owner: Thomas and Ilana Moses
Property Location: 2353 S.W. 132 Way, Davie, Florida 33325

Dear Ingrid:

I, Dawn C. Tabor, am the property owner of, 2373 SW 132nd Way, Davie, FL 33325, and have no objection to Mr. and Mrs. Thomas Moses' request to revise their side setback on the south side of their property for their new addition.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dawn C. Tabor".

Dawn C. Tabor

cc: Lise Bazinet, Assoc. AIA, Planner II,
Planning and Zoning, Development Services Department

January 16, 2007

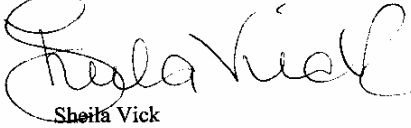
Ingrid Allen, Assoc. AIA, Planner II
Town of Davie
Planning and Zoning Division
Development Services Department
6951 Orange Drive
Davie, FL 33314

RE: 5' Variance Request, from 30' to 25', on South Side of Property
Property Owner: Thomas and Ilana Moses
Property Location: 2353 S.W. 132 Way, Davie, Florida 33325

Dear Ingrid:

I, Sheila Vick, am the property owner of, 2323 SW 132nd Way, Davie, FL 33325, and have no objection to Mr. and Mrs. Thomas Moses' request to revise their side setback on the south side of their property for their new addition.

Sincerely,

A handwritten signature in cursive script that reads "Sheila Vick". The signature is written in dark ink and is positioned above the printed name.

Sheila Vick

cc: Lise Bazinet, Assoc. AIA, Planner II,
Planning and Zoning, Development Services Department

Exhibit 6 (HOA Architectural approval letter)

**Emerald Springs Homes of Davie H.O.A., Inc.
c/o Atlantis Management
11011 Sheridan Street Suite #208
Cooper City, FL 33026
954-450-9400**

NOTICE OF ARCHITECTURAL APPROVAL

December 8, 2006

Thomas and Ilana Moses
2353 S.W. 132nd Way
Davie, FL 33325

RE: Set Setback Variance Request for Lot 20 of "Emerald Springs Homes of Davie",
According to the plat thereof, as recorded in plat book 149, at Page 48, of the
Public records of Broward County, Florida

Dear Thomas and Ilana:

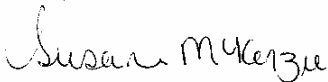
The Architectural Committee of the Association on behalf of the Board of Directors has
approved your request for the following architectural change subject to the following:

**SIDEBACK VARIANCE REQUEST AS OUTLINED IN THE LETTER OF
DECEMBER 5TH, TO THE TOWN OF DAVIE PLANNING AND ZONING
DIVISION.**

All approvals are also contingent on the homeowner complying with all applicable state,
county, and/or city building codes, and obtaining all necessary permits. Homeowners are
also responsible to pay for any repair and damage to the common areas and adjacent
property that might occur.

We hope you enjoy your improvement.

Sincerely,



Susan McKenzie, President
Emerald Springs Homes of Davie HOA

Exhibit 7 (Future Land Use Plan Map)

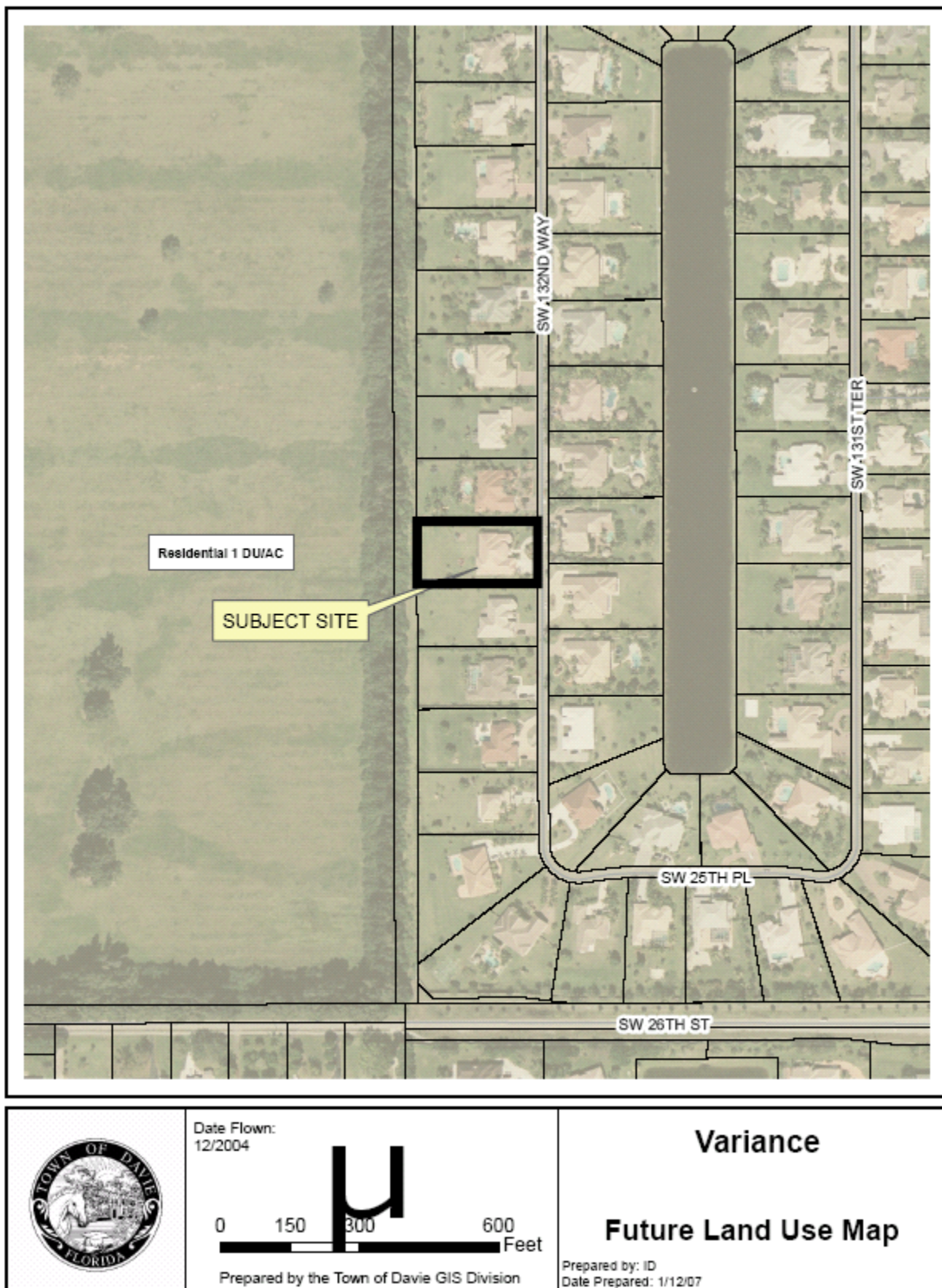


Exhibit 8 (Zoning and Aerial Map)



TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Ingrid Allen, Planner II

SUBJECT: Quasi Judicial Hearing: Special Permit / SE 9-1-06 / Shotgun nursery / 2100 SW 154th Avenue/Generally located on the eastside of SW 154th Avenue at the corner of SW 20th Street.

AFFECTED DISTRICT: 4

TITLE OF AGENDA ITEM: SE 9-1-06 Shotgun nursery

REPORT IN BRIEF: The petitioner has requested a special permit in order to allow the installation of a modular trailer and the staging of mulch on the subject site. The modular trailer would be used as a storage and shelter office for Stiles Landscape Company staff working at the property. The staging of mulch will be utilized for commercial clients serviced under contract with Stiles Landscaping Company and will not be available for retail sale. The petitioner does not intend to install any permanent structures on the subject site.

The intent of a special permit application is for Town Council to review uses that are exceptional and may have effects on the surrounding environment that cannot be determined in advance of the use being proposed for a particular location. A modular trailer and the staging of mulch can be compatible uses on the site provided that the site is designed and maintained in a manner that does not cause a nuisance for adjacent property owners. According to the conceptual site plan submitted by the petitioner, the proposed modular trailer will be located within the building envelope outside the required setbacks. The petitioner has also indicated that any mulch delivered to the site will only be added after the existing stock pile is properly saturated utilizing a dust suppression system in which a two (2)-inch hose is used to apply water to inhibit any dust/particles from rising. The mulch at its maximum onsite capacity would reach a height of 15 feet and 1000-1500 cubic yards. Lastly, all large truck/trailer traffic, as a result of mulch deliveries, is routed via SW 154th Avenue so as not to disturb residents along SW 20th Street.

PREVIOUS ACTIONS: None

CONCURRENCES: At the March 14, 2007 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Chair Bender, to approve subject to the posting of a sufficient bond to be set by Town Council for pest removal and road repairs if required; and, a note to Council - it was the consensus of the Board that the special permit was not required for the "use."

(Motion carried 4-0 with Vice-Chair McLaughlin abstaining)

(Planner's note: The Planning and Zoning Board considered the 'staging of mulch' an agricultural use consistent with the A-1, Agricultural District, zoning designation and therefore a special permit would not be required for this particular use.)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions must be met at the time of building permit in order for the special permit use to be compatible with adjacent properties:

1. Provide MOT plan for haul trucks to and from site.
2. Provide proposed cross-section for mulch stockpile
3. Confirm that no wetlands are present on site.

13. **Attachment(s):** Justification Letter, Public Participation Report, Conceptual Site Plan, Future Land Use Plan Map, Zoning and Aerial Map

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner/Petitioner:

Name: Stiles Corporation d/b/a Stiles Landscape Company
Address: 300 SE 2nd Street, Suite 620
City: Fort Lauderdale, FL 33301
Phone: (954) 627-9102

Background Information

Date of Notification: March 7, 2007 **Number of Notifications:** 37

Application History: No deferrals have been requested.

Application Request: Special Permit to install a new modular trailer and for the staging of mulch pursuant to Land Development Code §12-35 Special Uses, which allows unique and unanticipated uses to be reviewed as a Special Permit.

Address/Location: 2100 SW 154th Avenue/Generally located on the eastside of SW 154th Avenue at the corner of SW 20th Street.

Future Land Use

Plan Map Designation: Residential 1 DU/AC

Zoning: A-1, Agricultural District

Existing Use: Holds mulch and potted plant material for commercial purposes

Proposed Use: Nursery for commercial landscape service needs in plant material growth and mulch containment

Net Parcel Size: 4.249 acres (185,129 square feet)

Surrounding Uses:

North: Single Family Residence
South: Single Family Residence
East: Pasture with Barn
West: Vacant (proposed site for The Commons)

Surrounding Land
Use Plan Map Designations:
 Residential 1DU/AC
 Residential 1DU/AC
 Residential 1DU/AC
 Residential 1DU/AC

Surrounding Zoning:

North: R-1, Estate Dwelling District
South: A-1, Agricultural District
East: A-1, Agricultural District
West: AG, Agricultural District

Zoning History

The subject site is not a platted parcel.

Applicable Codes and Ordinances

§12-308 of the Land Development Code, review for special permits.

§12-35 of the Land Development Code. Special uses are those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. A request for such use shall take the form of an application for special permit, processed in accordance with the regulations contained in Article X.

§12-81(A) of the Land Development Code Conventional Single Family Development Standards, A-1 zoning district, requires the following minimums: lot area of 35,000 square feet, 140' frontage, 40-50' front setback, 30' side setbacks, 35' rear setback, 35' maximum building height, and 25 percent maximum building coverage.

§12-32 (A) Table of permitted uses for Residential Districts General Use.

Comprehensive Plan Considerations

Planning Area: The subject property is within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site is located in Flexibility Zone 113.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The petitioner has requested a special permit in order to allow the installation of a modular trailer and the staging of mulch on the subject site. The modular trailer would be used as a storage and shelter office for Stiles Landscape Company staff working at the property. The staging of mulch will be utilized for commercial clients serviced under contract with Stiles Landscaping Company. The mulch will not be available for retail sale. The petitioner is requesting an eighteen (18) month special permit as well as an additional eighteen (18) month extension for a total length of 36 months. The petitioner does not intend to install any permanent structures on the subject site.

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. As per the Town of Davie Code, the petitioner conducted two (2) meetings with the public on Tuesday, January 23, 2007 and Tuesday, January 30, 2007. Both meetings were held in the Community Room at Town Hall at 6:00 p.m. The applicant sent thirty-seven (37) mailings to the surrounding property owners within 1000 feet of the subject site. There was no public attendance at the first meeting and one (1) member of the public attended the second meeting. The petitioner's public participation report is attached (see Exhibit #2).

Staff Analysis

The Future Land Use Plan of the Comprehensive Plan does permit agricultural uses in the Residential land use category. According to the Comprehensive Plan, agricultural uses are defined as activities within land areas which are predominantly used for the cultivation of crops and livestock including: cropland; pastureland; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; and silviculture areas. The proposed use for the subject site, a nursery, is therefore consistent with the Future Land Use Plan.

The intent of a special permit application is for Town Council to review uses that are exceptional and may have effects on the surrounding environment that cannot be determined in advance of the use being proposed for a particular location. A modular trailer and the staging of mulch can be compatible uses on the site provided that the site is designed and maintained in a manner that does not cause a nuisance for adjacent property owners. According to the conceptual site plan submitted by the petitioner, the proposed modular trailer will be located within the building envelope outside the required setbacks. In addition, only electric and phone service will be run to the trailer which will be utilized for intermittent staff use due to limited business conducted on the site. The petitioner has also indicated that any mulch delivered to the site will only be added after the existing stock pile is properly saturated utilizing a dust suppression system in which a two (2)-inch hose is used to apply water to inhibit any dust/particles from rising. The mulch at its maximum onsite capacity would reach a height of 15 feet and 1000-1500 cubic yards. Lastly, all large truck/trailer traffic, as a result of mulch deliveries, is routed via SW 154th Avenue so as not to disturb residents along SW 20th Street. There is currently an active code case (case # 0700000468) on the subject property which was triggered by a citizen complaint.

Staff Findings of Fact

Review for Special Permits:

Section 12-308(A) (1) (a):

The following findings of facts apply to the special permit request:

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The Future Land Use Plan of the Comprehensive Plan does permit agricultural uses in the Residential land use category. According to the Comprehensive Plan, agricultural uses are defined as activities within land areas which are predominantly used for the cultivation of crops and livestock including: cropland; pastureland; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; and silviculture areas. The proposed use for the subject site, a nursery, is therefore consistent with the Future Land Use Plan. However, the intent of a special permit application is for Town Council to review uses that are exceptional and may have effects on the

surrounding environment that cannot be determined in advance of the use being proposed for a particular location

- (ii) The proposed change may not create an unrelated an incompatible use;

The petitioner has agreed to make the proposed modular trailer and the staging of much compatible with surrounding uses by properly saturating (using a 2-inch hose to apply water) any existing stock pile of mulch as a means of inhibiting any dust/particles from rising, the mulch as its maximum onsite capacity would reach a height of 15 feet and 1000-1500 cubic yards, and all large truck/trailer traffic, as a result of mulch deliveries, is routed via SW 154th Avenue so as not to disturb residents along SW 20th Street.

- (iii) The proposed change may not adversely affect living conditions in the neighborhood or the town;

The proposed modular trailer and the staging of mulch may not adversely affect living conditions in the neighborhood or the Town, as the petitioner has agreed to the aforementioned measures to address compatibility.

- (iv) The proposed change may not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The petitioner has indicated that mulch and landscape trucks travel to the subject site at most 3-4 times per day. According to the petitioner, all large truck deliveries are made from Shotgun Road and not from SW 20th Avenue so as to not disturb residents.

- (v) The proposed change may not adversely affect surrounding property values;

The proposed modular trailer and the staging of mulch may not adversely affect surrounding property values, as the petitioner has agreed to the aforementioned measures to address compatibility.

- (vi) The proposed change may not be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed modular trailer and staging of mulch may not deter any of the surrounding property owners from developing or improving their properties, as the petitioner has agreed to the aforementioned measures to address compatibility.

- (vii) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

This request is a use that may be permitted it if is determined by the Town Council to be compatible with the surrounding uses.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions must be met at the time of building permit in order for the special permit use to be compatible with adjacent properties:

1. Provide MOT plan for haul trucks to and from site.
2. Provide proposed cross-section for mulch stockpile
3. Confirm that no wetlands are present on site.

Planning and Zoning Board Recommendation

At the March 14, 2007 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Chair Bender, to approve subject to the posting of a sufficient bond to be set by Town Council for pest removal and road repairs if required; and, a note to Council - it was the consensus of the Board that the special permit was not required for the "use."

(Motion carried 4-0 with Vice-Chair McLaughlin abstaining)

(Planner's note: The Planning and Zoning Board considered the 'staging of mulch' an agricultural use consistent with the A-1, Agricultural District, zoning designation and therefore a special permit would not be required for this particular use.)

Town Council Action

Exhibits

1. Justification Letter
2. Public Participation Report
3. Conceptual Site Plan
4. Future Land Use Plan Map
5. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

Exhibit 1 (Justification Letter)



October 31, 2006

Town of Davie
Davie Town Hall
6591 Orange Drive
Davie, FL 33314

300 S.E. 2nd Street, Suite 620
Fort Lauderdale, FL 33301
954.627.9100
954.627.9102 Fax
www.stiles.com
sl@stiles.com

Re: Detailed Special Permit Justification Letter: Folio No. 5040-16-00-0072

Dear Sir or Madam:

Background: Stiles Landscape Company is a commercial landscape division within Stiles Corporation in Fort Lauderdale, Florida. Our qualified, highly trained staff consists of Certified Horticulturists, Certified Pest Control Operators, and Master Certified Arborist. Stiles Landscape prides itself on providing quality, clean, greenscapes for municipalities throughout the tri-county area since 1984.

Purpose of Special Permit Requests: This tract of land is planned for nursery development and to be used exclusively for commercial landscape service needs in plant material growth and mulch containment. One permit is for the installation of a modular "trailer and the second for the staging of mulch.

As we begin this development, a modular "trailer" would be necessary to stage on the property as a storage and shelter office for staff working at that property. We understand the trailer permit will only be issued on a temporary basis and do not intend to install any permanent structure there at this time. We are also requesting that this trailer permit be extended for a period of 18 months. Additionally, we request permitting for holding of mulch that will be utilized for commercial clients serviced under contract with our landscape company. This mulch will NOT be available for retail sale. In accordance with this property's Agricultural zoning, our development plans would contribute to the area environment, conservation and beautification. We look forward to participating further in the beautification of the great Town of Davie.

Thank you in advance for your consideration. If you should require any further information, please do not hesitate to contact me at 954.627.9128.

Sincerely,

A handwritten signature in black ink that reads 'D.T. Winsett'.

Don T. Winsett
President

Committed to the Highest Standards while Building Partners
Fort Lauderdale, FL • Fort Myers, FL • Boynton Beach, FL

Exhibit 2 (Public Participation Report)



300 SE 2nd Street
Ft. Lauderdale, Florida 33301
(954) 627-9100
(954) 627-9102 Fax
Internet: <http://www.stiles.com>
E-mail: info@stiles.com

MEETING NOTICE

January 9, 2007

Dear Neighbor:

**Re: Citizen Participation Plan Meeting for:
Stiles Landscape Company/Shotgun Yard Permitting
Special Permit Number: SE-9-1-06**

This letter is to invite you to a citizen participation meeting relating to Stiles Landscape Company/Shotgun Yard Permitting for a parcel located at 2100 SW 154th Street, Davie, FL. This tract of land is an existing nursery and is used exclusively for commercial landscape service needs in plant material growth and mulch containment. One permit is for the installation of a modular trailer and the second for the staging of mulch. This mulch will NOT be available for retail sale. In accordance with this property's Agricultural zoning, our development plans would contribute to the area environment, conservation and beautification. Enclosed is aerial map of this location for your reference detailing mulch containment area and proposed trailer location.

Under a Town of Davie ordinance, the petitioner is required to hold two (2) citizen participation meetings and send notice to all property owners within 1,000 feet of the subject site prior to the Town initiating their review of the application. We have scheduled the following meetings.

First Citizen Participation Meeting:

Date: Tuesday, January 23rd
Time: 6 p.m.-7 p.m.
Location: Davie Town Hall, Community Room

Second Citizen Participation Meeting:

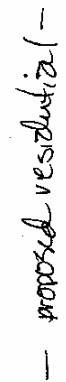
Date: Tuesday, January 30th
Time: 6 p.m.-7 p.m.
Location: Davie Town Hall, Community Room

Please be advised that there will be additional opportunities for public input at the Town of Davie public hearings.

If you wish to submit written comments, please send them to:

Mary Lopez Wilson
300 S.E. 2nd Street, Suite 620
Ft. Lauderdale, FL 33301
954.627.9100

20th



SIGN IN SHEET
PUBLIC PARTICIPATION MEETING I.

(Date) 01-23-07

Stiles Landscape Company

NAME

ADDRESS

PHONE

-NO ATTENDEES_

SUMMARY OF DISCUSSION
AT PUBLIC PARTICIPATION MEETING I.

(The following information should be minutes of the first public hearing meet)

(All letters and/or phone calls received by the applicant from the public prior to the first Public Participation Meeting shall be attached to this section)

Stiles Landscape Company
January 23, 2007

-NO ATTENDEES-

SIGN IN SHEET
PUBLIC PARTICIPATION MEETING II

Stiles Landscape Company

(Date) 01-30-07

NAME

ADDRESS

PHONE

1/30/07 Councilmember Judy Paul

SUMMARY OF DISCUSSION
AT PUBLIC PARTICIPATION MEETING II.

(The following information should be minutes of the second public hearing meet)

(All letters and/or phone calls received by the applicant from the public prior to the second Public Participation Meeting shall be attached to this section)

Meeting was run by Mulch Director Bob Slater. Meeting began at 6 p.m. on Tuesday, January 30, 2007.

Meeting was attended by only one representative Councilmember Judy Paul who indicated she was attended on behalf of her constituents unable to attend. Ms. Paul raised the following concerns raised by her constituents that received the following clarification/responses from Mr. Slater on behalf of Stiles Landscape Company:

1. Her residents are concerned with mulch piles attracting rats: Mr. Slater advised her of his experience with this tract of land over the past 3 years-the only pests that have posed any nuisance are foxes. He also clarified for her that Stiles Fertilization and Pest Control Division sprays regularly to controls pests and weeds in the area.
2. She advised of a concern with debris dumping: Mr. Slater told her that this is not a mulch making yard but an area that has mulch delivered by trucks already made.
3. Ms. Paul expressed a concern with traffic due to mulch and landscape trucks: Mr. Slater advised her that these trucks travel to this yard at most 3-4 times per day. Additionally she questioned tractor/trailer traffic: Mr. Slater advised her that all large truck deliveries are made from Shotgun Rd and not from SW 20th Avenue so as not to disturb residents
4. Her last concern was with Stiles future plans for this site: and any desire to have this lot rezoned for future use: Mr. Slater advised her that Stiles intention is to use this lot to contain and grow plant material as well as contain mulch for our commercial use. She additionally requested that Stiles Corporation write a letter indicating that it would not request this site for rezoning. Mr. Slater advised her that he was not authorized to make this statement or promise.

Meeting was adjourned at 7 p.m.

SE 9-1-06
ALVAREZ,FELIX & GINA
15090 SW 20TH ST
DAVIE FL 33326-2021

SE 9-1-06
BROOKS,RONALD &
BROOKS,EILEEN
2001 SW 151ST TER
DAVIE FL 33326-2001

SE 9-1-06
CADET,IAN &
CADET,JOAN BAILEY
15020 SW 21 ST
DAVIE FL 33326-2006

SE 9-1-06
CENTRAL BROWARD WATER
CONTROL DISTRICT
8020 STIRLING RD
HOLLYWOOD FL 33024-8202

SE 9-1-06
DESTEFANO,KENNETH &
DESTEFANO,DEBRA
2081 SW 151 TER
DAVIE FL 33326-2001

SE 9-1-06
GUTIERREZ,MARIA ISABEL
GUTIERREZ,JAVIER
15141 SW 20 ST
DAVIE FL 33326

SE 9-1-06
IRANI,FIRDAUSH & KESHMIRA
15527 SW 20 ST
DAVIE FL 33326

SE 9-1-06
KATULKA,MICHAEL A & SANDRA K
2300 SW 154TH AVE
DAVIE FL 33326-2014

SE 9-1-06
LOSEE,IRVING C JR REV LIV TR
2175 SW 148TH AVE
DAVIE FL 33325-4946

SE 9-1-06
POHLMANN,ROBERT H JR &
POHLMANN,KRISTA D
15557 SW 20 S1
DAVIE FL 33326

SE 9-1-06
AMATO,DAWN M
AMATO,GUY M
15467 SW 20 ST
DAVIE FL 33326

SE 9-1-06
BRUNS,RICK E & LILIANE J
2280 SW 154 AVE
DAVIE FL 33326-2014

SE 9-1-06
CARROLL,EVERETT G TR &
CARROLL,LARRY G TR
847 HAWKSBILL ISLAND DR
SATELLITE BEACH FL 32937-3850

SE 9-1-06
COCHRANE,GARY R & JOANNE M
15080 SW 21ST ST
DAVIE FL 33326-2006

SE 9-1-06
DIAMOND,JASON A & RHONDA
15617 SW 20 ST
DAVIE FL 33330

SE 9-1-06
HIGHLAND RANCH ESTATES HOA
% MIAMI MGMT INC
1189 SAWGRASS CORP PKWY
SUNRISE FL 33323

SE 9-1-06
JEREN FOLIAGE DESIGNS INC
11400 ORANGE DR
DAVIE FL 33330

SE 9-1-06
KIRKLAND,MYRON
15808 NW 44 CT
OPA LOCKA FL 33054

SE 9-1-06
MATTIS,GARY & PETRINEA
4128 MURDOCK AVE
BRONX NY 10466

SE 9-1-06
RANGEL,JOSE ALFONSO
2000 SW 151 TER
DAVIE FL 33326-2001

SE 9-1-06
BARKUS,DANIEL R & MIRIAM R
2240 SW 154 AVE
DAVIE FL 33326-2014

SE 9-1-06
BUITRAGO,GABRIEL & MARCELLA
15960 SW 14 ST
PEMBROKE PINES FL 33027

SE 9-1-06
CASTELLI,J C & HARRIET
2150 SW 154TH AVE
DAVIE FL 33326-2010

SE 9-1-06
DESANTIS,DOREEN
10361 NW 18 PL
PEMBROKE PINES FL 33026

SE 9-1-06
EPSTEIN,KENNETH &
HERNANDEZ-EPSTEIN,MAYRA F
15200 SW 20 ST
DAVIE FL 33326-2024

SE 9-1-06
HOYO,EDUARDO & SHERRY ANN
15497 SW 20 ST
DAVIE FL 33326

SE 9-1-06
JULIANO,ENRICO SR
14597 SW 18 CT
DAVIE FL 33325

SE 9-1-06
KNIPP,MICHELE L
15587 SW 20 ST
DAVIE FL 33326

SE 9-1-06
NADEAU-CAMUS,ROBIN E
CAMUS,PABLO G
15000 SW 20 ST
DAVIE FL 33326-2021

SE 9-1-06
ROCKS,CHARLES H & JODY T
15191 SW 20 ST
DAVIE FL 33326

SE 9-1-06
SANCHEZ,PEDRO & ODALYS
680 SANDCREEK CIR
WESTON FL 33327

SE 9-1-06
SANTIAGO,ALEJANDRINA
15391 SW 20 ST
FT LAUDERDALE FL 33325

SE 9-1-06
SMITH,DAVID J & ELIZABETH P
2080 SW 151ST TER
DAVIE FL 33326-2001

SE 9-1-06
STANTON,LARRY G & SANDRA E
2030 SW 151ST TER
DAVIE FL 33326-2001

SE 9-1-06
STILES CORP
300 SE 2 ST
FT LAUDERDALE FL 33301

SE 9-1-06
VISTA LAKES HOME LTD
15292 SW 17 ST
DAVIE FL 33326-2045

SE 9-1-06
VISTA LAKES OWNERS ASSN
15292 SW 17 ST
DAVIE FL 33326-2045

Residual

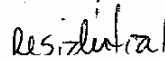


Exhibit 4 (Future Land Use Plan Map)

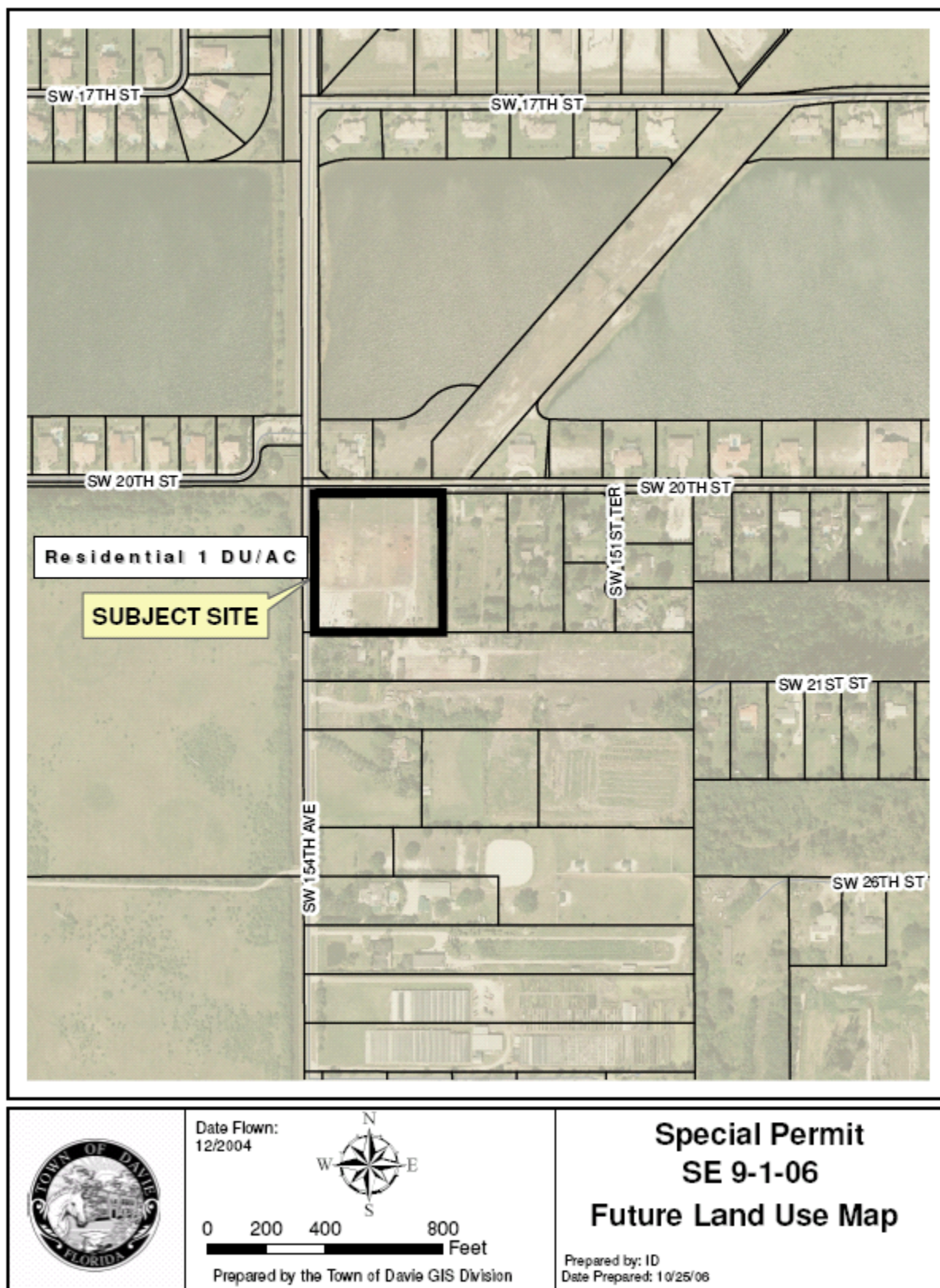
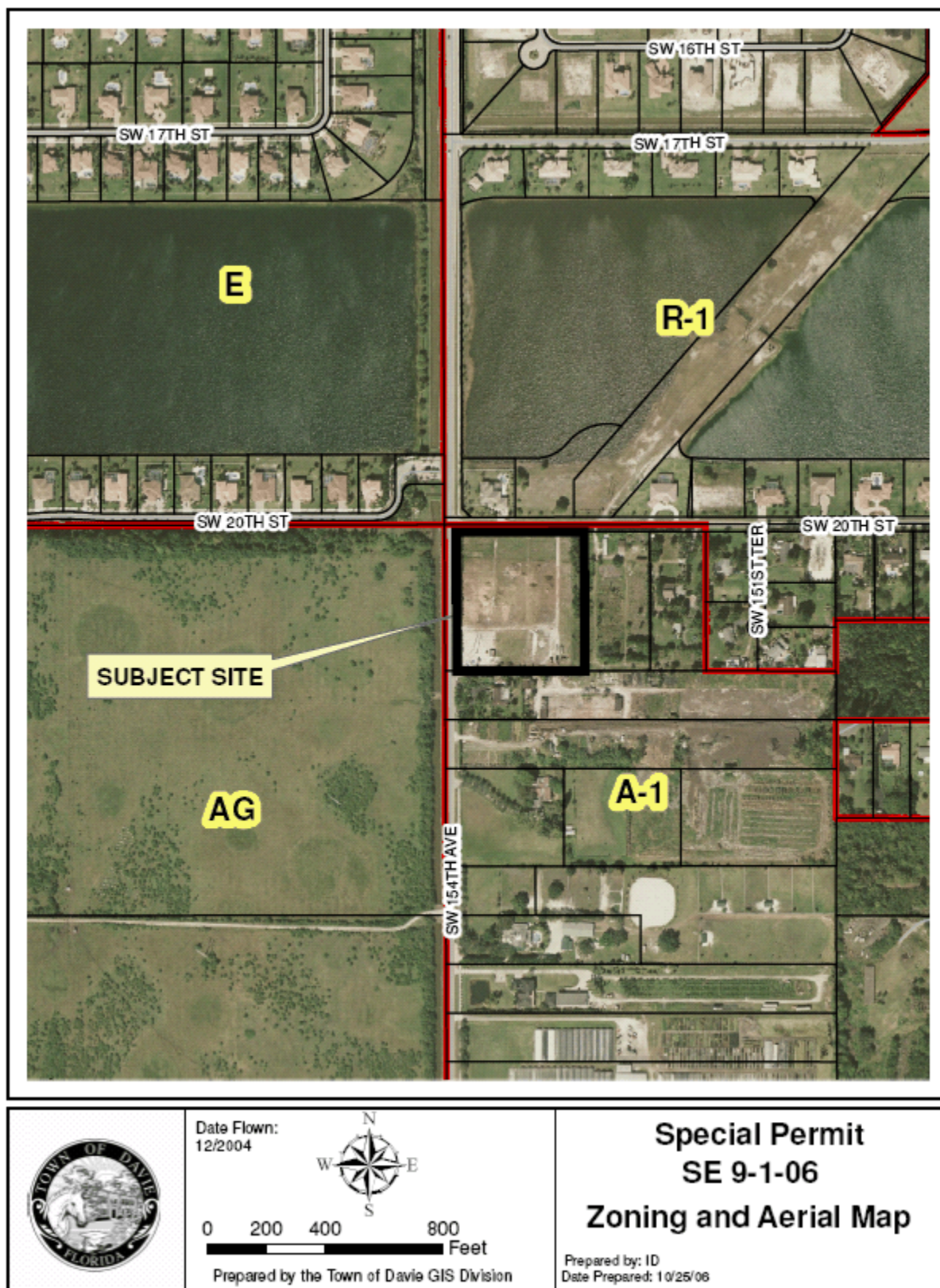


Exhibit 5 (Zoning and Aerial Map)



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TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Ingrid Allen, Planner II

SUBJECT: ZB (TXT) 4-1-06/Junkyards

AFFECTED DISTRICT: 1

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE IV, SECTION 12-54, NON-RESIDENTIAL PERFORMANCE STANDARD – COMMERCIAL CONSERVATION; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XII, SECTION 12-375, MASTER PLANNED DEVELOPMENTS; AND ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING , AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE UNDERLYING LAND USE CLASSIFICATION IS INDUSTRIAL AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The petitioner proposes a text amendment to the Land Development Code amending the use "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" as existing legal uses in the M-3 zoning district when the underlying land use classification is Industrial. According to the petitioner, the intent of the text amendment is to protect existing junkyard operations (to be applied generically and not for one specific land owner) and not to increase the number of additional non-conforming uses allowed in the Town.

PREVIOUS ACTIONS: At the March 7, 2007 Town Council meeting, ZB(TXT) 4-1-06 was tabled to the April 4, 2007 meeting (Motion carried 5-0).

CONCURRENCES: At the February 14, 2007 Local Planning Agency meeting, Ms. Turin made a motion, seconded by Mr. Busey, to table to March 14, 2007 Local Planning Agency meeting. (Motion carried 3-0).

At the March 14, 2007 Local Planning Agency meeting, Mr. Stevens made a motion, seconded by Vice-Chair McLaughlin, to table to April 11, 2007. (Motion carried 5-0).

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Staff recommends denial of the proposed Ordinance based on the issues noted in the staff report.

Attachment(s): Staff report, Ordinance

TO: Local Planning Agency (LPA)

THRU: Bruce Dell, Planning and Zoning Manager
Marcie Nolan, Deputy Planning and Zoning Manager

FROM: Ingrid Allen, Planner II

SUBJECT: ZB(TXT) 4-1-06/06-58/"Recycling, Scrap Metal Processing and Automobile Wrecking Yards"

AFFECTED DISTRICT: 1

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE IV, SECTION 12-54, NON-RESIDENTIAL PERFORMANCE STANDARD – COMMERCIAL CONSERVATION; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XII, SECTION 12-375, MASTER PLANNED DEVELOPMENTS; AND ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING , AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE UNDERLYING LAND USE CLASSIFICATION IS INDUSTRIAL AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The petitioner (Pillar Consultants, Inc.) proposes a text amendment to the Land Development Code amending the use "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" as existing legal uses in the M-3 zoning district when the underlying land use classification is Industrial. According to the petitioner, the intent of the text amendment is to protect existing junkyard operations (to be applied generically and not for one specific land owner) and not to increase the number of additional non-conforming uses allowed in the Town.

The proposed ordinance defines "Recycling, Scrap Metal Processing and Automobile Wrecking Yards" as an establishment or place of business which is maintained, used or operated for recycling, processing, storing, keeping, buying or selling junked, dismantled or wrecked automobiles, vehicles and vessels or any parts thereof, including, but not limited to, oils, gasoline and other fluids and materials salvaged therefrom; and old or scrap batteries, construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material. To follow, under 'Proposal Analysis', is a comparison of the proposed revisions, by Section, to the Land Development Code verses current code language.

HISTORY/BACKGROUND:

Many of the existing “Junkyards” were initially annexed into the Town of Davie with a Broward County zoning designation of M-4 (County), Limited Heavy Industrial District. The M-4 (County) zoning designation is not a valid Town of Davie zoning district. As a result, not only are these parcels required to rezone to a valid Town of Davie zoning district, but they are considered legal nonconforming lots. According to Ordinance 2003-21 (adopted June 4, 2003), it is required that all parcels annexed into the Town with Broward County zoning designations be rezoned to a valid Town of Davie zoning district prior to site plan approval or modification to a development order. Currently, the Town’s M-3 zoning district does not permit “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” uses although these uses are permitted under the M-4 (County) zoning designation. The proposed ordinance would allow “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” uses to be permitted under the Town’s M-3 zoning district.

The Town adopted the Transit Oriented Corridor (TOC) redevelopment plan on March 1, 2006. This plan calls for mixes of uses to be redeveloped including residential.

PROPOSAL ANALYSIS:

Statement of purpose and intent of zoning districts:

PROPOSED: Existing “Recycling, Scrap Metal Processing, and Automobile Wrecking Yards” uses located within the Planned Industrial Park (M-3) District will be allowed, currently or in the future, to abut residential property.

CURRENT: Planned Industrial Park (M-3) Districts are not intended for locations abutting residential property.

Permitted uses:

PROPOSED: Within the Business Park and Industrial General Use category, “Recycling, Scrap Metal Processing, and Automobile Wrecking Yards” uses (as defined above) will be permitted in the M-3 zoning district.

CURRENT: “Recycling, Scrap Metal Processing, and Automobile Wrecking Yards” is not listed as a Business Park and Industrial general use, however, Junk Yards are not permitted uses in the M-3 zoning district. It is staff’s opinion that the proposed uses, as defined, would broaden the uses currently enjoyed by the petitioner

Accessory Uses and Structures:

PROPOSED: Accessory uses and structures within “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” located in non-residential districts and under the M-3 district would be exempt from being located on the half or quarter of the plot which is farthest from any street or streets upon which the plot abuts. In addition, accessory buildings would be exempt from occupying no more than fifteen (15) percent of a required rear yard area.

CURRENT: Accessory uses and structures, except landscape features, in non residential districts are to be located on the half or quarter of the plot which is farthest from any street or streets upon which the plot abuts. Accessory buildings cannot occupy more than fifteen (15) percent of a required rear yard area.

Fences, Walls and Hedges:

PROPOSED: Allow the continuous unpierced masonry wall, six (6) feet high, finished on both sides with two (2) coats of cement stucco or constructed of pre-cast concrete painted to match buildings. Walls shall not extend closer to a street than the required depth or width of yard on the business or industrially zoned property except as may exist at the date of this ordinance. All masonry screen walls

erected in the Town shall be finished on both sides with two (2) coats of cement stucco or constructed of pre-cast concrete and painted on both sides.

CURRENT: A continuous unpierced masonry wall six (6) feet high, finished on both sides with two (2) coats of cement stucco painted to match buildings. Walls shall not extend closer to a street than the required depth or width of yard on the business or industrially zoned property. All masonry screen walls erected in the Town shall be finished on both sides with two (2) coats of cement stucco and painted on both sides.

General Provisions - Business Districts:

PROPOSED: Allow open storage of materials, behind perimeter walls, within side and rear yards. Allow outdoor storage of merchandise as it pertains to “Recycling, Scrap Metal Processing and Automobile Wrecking Yards”

CURRENT: Side and rear yards may be used for parking and loading but may not be used for open storage of materials. Outdoor storage of merchandise, except for vehicles displayed in conjunction with permitted vehicle sales activities and live plant material clearly ancillary to the primary commercial activity, shall be prohibited.

Nuisances:

PROPOSED: The keeping or the deposition (depositing) on or the storage on the premises of any junk, trash, debris, construction materials not being actively used for construction, abandoned, discarded or unused objects or equipment, including but not limited to, automobiles, scrap metal, boats, trucks or buses, stoves, refrigerators, freezers, trailers, etc. shall be permitted within the perimeter walls of “Recycling, Scrap Metal Processing and Automobile Wrecking Yards”.

CURRENT: The term “nuisance” is defined to mean any condition or use of premises or of building exteriors that is detrimental to the property of others or that causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located within any district. This includes, but is not limited to, keeping, allowing or maintaining anything on the premises in any district that shall in any way be offensive or noxious by reason of the emission of odors, gases, dust, smoke, vibration or noise; the keeping or the deposition (depositing) on or the scattering over the premises of any junk, trash, debris, construction materials not being actively used for construction, abandoned, discarded or unused objects or equipment, including, but not limited to, automobiles, boats, trucks or buses, furniture, stoves, refrigerators, freezers, trailers, cans or containers; the failure to keep or maintain all lands, lots and other premises in any district clean, sanitary and free from weeds or overgrowth; the keeping, maintaining, propagation, existence or permitting of any thing by any person or entity by which the life or health of any person or persons may be threatened or impaired or by which or through which, directly or indirectly, disease may be caused or the environment of any person or place rendered unclean or unsanitary by the act of another or others. The purpose of this section is to generally define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of any district.

Outdoor Activities:

PROPOSED: “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” shall be exempt from conducting permitted uses, including but not limited to sale, display, preparation and storage, in a completely enclosed building.

CURRENT: All activities of permitted uses, including but not limited to sale, display, preparation and storage, shall be conducted within a completely enclosed building.

Industrial Activities:

PROPOSED: “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” uses and activities are permitted within the M-3 district only.

CURRENT: In the M-1, M-2, and M-3 districts the following uses are permitted: (1) Educational, scientific, industrial research, office and business uses providing a minimum of five thousand (5,000) square feet of net building area.
 (2) Retail and wholesale sales incidental to a permitted on-site use.

Detailed Use Regulations – Standards enumerated:

PROPOSED: *Height:* Maximum height shall be thirty-five (35) feet.
Hours of Operation: Activities shall be conducted Monday thru Sunday 6:00a.m.–12:00 a.m.
Minimum lot size: 108,900 square feet (2.5 acres)
Parking: One (1) space for every 1,300 square feet of solid roofed area.
Perimeter Walls: An eight (8) foot high “wall system” shall be constructed around the entire perimeter of the site except at points of access to and from the property. The “wall system” shall be as solid concrete, masonry or pre-cast wall consisting of 40 to 80 foot long segments staggered into the property a minimum of 5 feet. The wall shall be set a minimum of ten (10) feet from property lines and landscaped on the outside of the wall. Alternating wall segments may be constructed of eight (8) feet high Iron or Aluminum fencing with additional
Site Landscaping: See proposed Landscaping standards (page 6).
Site Engineering Improvement: The site must be provided with infrastructure engineering improvements as applicable for conformance with the Florida Department of Environmental Protection, NPDES requirements, and Town engineering environmental standards. All toxic chemicals, automobile fluids and petroleum waste must be safely contained and properly disposed.

CURRENT: The proposed uses are not currently enumerated in the Land Development Code.

Nonresidential performance Standard:

PROPOSED: Commercial Conservation, amended to read as follows:

| Zoning | Min. | Max. | Min. |
|----------|------|--------|----------|
| District | LSR | Height | Lot Area |
| M-3* | 0.20 | 35' | 1 ac.** |

* “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” are permitted uses.

** Minimum lot area for “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” as defined in the proposed Ordinance shall be 108,900 square feet (2.5 acres).

CURRENT: Commercial Conservation, reads as follows:

| Zoning | Min. | Max. | Min. |
|----------|------|--------|----------|
| District | LSR | Height | Lot Area |
| M-3 | 0.20 | 35' | 1 ac. |

Table of Conventional Nonresidential Development Standards:

PROPOSED: Amended to read as follows:

| | Min. | Min. | Min. | | | | Max. | Max. | Min. | Min. |
|----------|---------|----------|-------|---------------|--------|-------|--------|----------|------------|---------|
| | Lot | Lot | Lot | Min. Setbacks | | | Height | Building | Building | Open |
| | Area | Frontage | Depth | Front | Side | Rear | | Coverage | Separation | Space |
| District | (sf/ac) | (ft.) | (ft.) | (ft.) | (each) | (ft.) | (feet) | (ratio) | (feet) | (ratio) |
| M-3 (g) | 43,560 | 150 | ----- | g | g | g | 35 ft. | 40% | ----- | 20% |

(g) **Minimum lot area:** for “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” shall be 108,900 square feet (2.5 acres).

Setbacks: Twenty-five (25) feet from all street lines except “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” which shall be zero (0) setback from the perimeter wall; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; except “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” two hundred (200) feet from all property lines from the manufacture, storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses. “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” shall not be required to provide any Open Space within the perimeter walls, and landscape standards and open space outside the perimeter walls shall satisfy the Open Space requirements. Additionally, “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” shall be required to provide a minimum of 15% Open Space (landscaped area) within and/or adjacent to any existing or proposed parking areas intended for the public or employees and which shall be in addition to open space provided outside the perimeter walls.

CURRENT:

| | Min. | Min. | Min. | | | | Max. | Max. | Min. | Min. |
|----------|---------|----------|-------|---------------|--------|-------|--------|----------|------------|---------|
| | Lot | Lot | Lot | Min. Setbacks | | | Height | Building | Building | Open |
| | Area | Frontage | Depth | Front | Side | Rear | | Coverage | Separation | Space |
| District | (sf/ac) | (ft.) | (ft.) | (ft.) | (each) | (ft.) | (feet) | (ratio) | (feet) | (ratio) |
| M-3 | 43,560 | 150 | ----- | g | g | g | 35 ft. | 40% | ----- | 20% |

(g) Twenty-five (25) feet from all street lines; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; two hundred (200) feet from all property lines for the manufacture, storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses.

Landscaping Standards (for Commercial and Industrial Districts over 20,000 feet)

PROPOSED: Tree requirements: “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” shall be exempt from planting trees in an area approximately ten (10) feet wide and shall require ten (10) trees for the first 108,900 square feet of gross site area, plus one (1) tree for each additional 20,000 square feet all of which shall be planted on the exterior of the site perimeter wall; Required trees in excess of that which will fit within the area exterior of the site perimeter wall may be planted within Town parks or the equivalent monetary value may be donated to the Town for it’s use for park enhancements.

Shrub requirements: Twenty (20) shrubs for the first 108,900 square feet of gross site area, plus five (5) shrubs for each additional 20,000 square feet of gross site area or fraction thereof. For “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” all shrubs shall be planted on the exterior of the site perimeter wall; Required shrubs in excess of that which will fit within the area exterior of the site perimeter wall may be planted within Town parks or the equivalent monetary value may be donated to the Town for it’s use for park enhancements.

Perimeter landscape buffer for commercial and industrial districts adjacent to all other abutting properties: For “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” uses, the proposed tree and shrub requirements stated above shall be sufficient and therefore no additional perimeter landscaping is required.

Required landscape buffer and street trees adjacent to existing public rights-of-way for industrial and commercial districts: For “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” uses,

the proposed tree and shrub requirements stated above shall be sufficient and therefore no additional perimeter landscaping or buffering is required.

Sodding: “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” uses shall be exempt from sodding all areas not occupied by buildings, walkways, or parking and driveways. All areas not occupied by a landscape area and lying within a required buffer or outside the perimeter wall shall be sodded and all areas interior to the perimeter wall/required buffer shall not require sodding but may consist of dirt, asphalt and/or concrete.

CURRENT: Tree requirements: Four (4) trees for the first twenty thousand (20,000) square feet, plus one (1) tree for each additional ten thousand (10,000) square feet, shall be planted in an area approximately ten (10) feet wide.

(1) Twenty (20) percent of the required trees shall be a minimum of ten (10) feet in height; palms shall have a minimum of ten (10) feet of clear trunk.

(2) Twenty (20) percent of the required trees shall be a minimum of twelve (12) feet in height; palms shall have a minimum of twelve (12) feet of clear trunk.

(3) Sixty (60) percent of the required trees shall be a minimum of fourteen (14) to sixteen (16) feet in height; palms shall have a minimum of fourteen (14) to sixteen (16) feet of clear trunk.

Shrub requirements: Twenty (20) shrubs for the first twenty thousand (20,000) square feet of gross site area, plus five (5) shrubs for each additional ten thousand (10,000) square feet of gross site area.

Ground cover requirements: Ground cover is at the same requirements as shrubs.

Interior landscape for parking areas: Interior landscaping for all parking and drive areas shall be in accordance with section 12-108.

Perimeter landscape buffer for commercial and industrial districts adjacent to all other abutting properties: A ten-foot landscape buffer shall be provided adjacent to abutting properties. One (1) fourteen- to sixteen-foot tree shall be planted for each forty (40) linear feet of property line along with a continuous hedge. The shrub requirement of this section may be waived if the adjoining property has a buffer that meets the minimum requirements of this section. If two (2) buildings are adjacent to each other on abutting properties, the hedge requirement may be waived by the development services department.

Required landscape buffer and street trees adjacent to existing public rights-of-way for industrial and commercial districts: (a) A required landscape buffer shall be provided for all industrial and commercial districts in accordance with the following: University Drive and State Road 84 shall be thirty (30) feet wide.

Griffin Road from University Drive east to the town's limits shall be twenty (20) feet wide. Arterial and collector streets shall be twenty (20) feet wide. All other streets shall be ten (10) feet wide. (b) Such landscape buffer shall include one (1) fourteen- to sixteen-foot tree for every forty (40) linear feet of street frontage and one (1) accent tree shall be provided for each one hundred (100) feet. (c) In addition, a hedge, wall, or other durable landscape barrier of a height of not less than two and one-half (2 1/2) feet and not more than eight (8) feet shall be placed within the landscape buffer. A variety of species and/or materials shall be used with sixty (60) percent of the plants being one (1) predominant species. If a wall is used in the buffer, then the wall shall be placed at the rear of the landscape buffer. A continuous row of hedges shall be installed on the public right-of-way side of the wall. The required trees shall be placed on the right-of-way side of the wall at forty-foot intervals. Planting should be of such size and spacing that seventy-five (75) percent of the total linear length is covered by plantings. The town council may waive the requirements of this subsection if it determines that the wall or fence is an architectural feature that such esthetics will better be served by leaving it unscreened. (d) Street trees shall be installed in the swale area of the street if deemed by the development services department to be safe. Such trees shall be planted at a minimum height of fourteen (14) to sixteen (16) feet. The quantity of trees shall be based upon one (1) tree for every forty (40) linear feet or fraction thereof of street frontage. The type of trees shall be consistent with other swale trees along the street and approved by the development services department. Suggested street trees may be found in the Town of Davie Landscape Materials List. (e) Necessary accessways from the public right-of-way through all such

landscaped strips may be subtracted from the linear dimension used to determine the number of trees. Trees shall not be located in the required sight triangle found in section 12-109. (f) University Drive, State Road 84 and Griffin Road from University Drive east to the town's limits shall include planting, as required by this section, together with a continuous landscape berm of curvilinear design and variable height from eighteen (18) inches to forty-two (42) inches, with an average height of thirty (30) inches. (g) Required landscape buffers shall not be contained in any lot and shall be in addition to any recreational trail requirements of a minimum of fifteen (15) feet.

Off-street parking:

PROPOSED: One (1) space for every 1,300 square feet of solid roofed area.

CURRENT: *Manufacturing, wholesale warehousing, distribution centers, and industrial uses.* One (1) space for each six hundred (600) square feet of floor area of the building plus one (1) space for each three hundred (300) square feet of office use.

Master Planned Developments:

PROPOSED: “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” uses would be exempt from a master development plan.

CURRENT: A master development plan is required for any nonresidential use on any parcel of land five (5) or more acres and any residential development consisting of ten (10) or more acres except as listed below. Master development plans shall not be required for one (1) single family home on ten acres of land or more. These regulations do not apply within the Griffin Road Corridor District. In addition, these regulations apply to the following districts regardless of parcel size: Planned Business Center (B-3), Planned Industrial Park (M-3), Planned Community Facilities (PCF), Suburban (S), Utilities (U), Suburban Commercial (SC), Urban Commercial (UC), Freeway Business (FB), or Business Park (BP).

Definition:

PROPOSED: “Recycling, Scrap Metal Processing, and Automobile Wrecking Yards” an establishment or place of business which is maintained, used or operated for recycling, processing, storing, keeping, buying or selling junked, dismantled or wrecked automobiles, vehicles and vessels or any parts thereof, including, but not limited to, oils, gasoline and other fluids and materials salvaged therefrom; and old or scrap batteries, construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material.

CURRENT: N/A (These proposed uses are not currently defined in the Land Development Code)

STAFF ANALYSIS:

Staff has worked with the petitioner, through various rounds of Development Review Committee comments, to minimize the impacts of the proposed text amendment. Although staff’s intent is to find a balance between the needs of the Town and existing junkyard owners, considerable differences still remain. To follow is a list of outstanding issues for which staff finds would significantly impact adjacent existing and planned uses.

1. The proposed definition of “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” would allow existing automobile wrecking yards and junkyards to **expand their uses** from automobile salvage or junkyards to various types of junk recycling to include construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material. In addition, the proposed ordinance would allow, for example, an existing “Recycling, Scrap Metal Processing, and Automobile Wrecking Yards” as defined above, whose current business is confined to a fifteen acre area on a twenty acre parcel, to expand or grow its existing business to the remaining five acres.

This type of expansion is inconsistent with Section 12-37 (A) of the Land Development Code which states that no nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land and no such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use.

2. “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” would be **allowed to abut residential property**. This is inconsistent with Section 12-24 (J) (9) of the Land Development Code which states that M-3 districts are not intended for locations abutting residential property.

3. “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” would **allow open storage within the side and rear yard setbacks**. This is inconsistent with Section 12-33 (Q) of the Land Development Code which states that side and rear yards may not be used for open storage of materials.

4. The proposed landscape standards are vastly different from the existing landscape standards. **Landscaping would only be provided outside the perimeter wall, within a 10 foot landscape buffer.** An additional 15% of the site can either be in parking island green-space or outside the wall as an open space. The proposed landscape standards would also exempt “Recycling, Scrap Metal Processing, and Automobile Wrecking Yards” uses from perimeter landscaping and buffering requirements for industrial districts adjacent to all other abutting properties and adjacent to existing public rights-of-way.

In addition, outstanding Engineering Development Review Comments (DRC) include providing a dust-free surface for junkyard operations and vehicle storage to protect air quality, and providing soil testing results semi-annually for the subject site at 100 feet grid interval to prevent polluting the subsurface soil, and ground water resource.

CONCLUSION:

The intent of the Land Development Code is to allow an interpretation to be made where there is a just balance between the rights of the landowner and all others who will be affected by that person’s proposal. Staff finds the proposed use “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” to be more intensive than what is currently defined in the Land Development Code as “junkyards” or “automotive wrecking”. As a result, more noxious odors, fumes, dust, dirt, noise or vibrations may be generated and may result in a threat to the safety or general welfare of surrounding or planned properties. The Land Development code (Section 12-34 (S)) states that these noxious uses shall be prohibited in all zoning districts.

As noted in staff’s analysis, the proposed use “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” would be subject to less restrictive requirements with respect to landscaping standards, general and detailed use regulations, and nonresidential development standards than current code language. As a result, measures available to minimize impacts to adjacent existing and planned uses are limited. This would subsequently compromise the redevelopment efforts the Town is looking to accomplish along State Road 7. Therefore, staff concludes that the proposed text amendment would allow expansion and intensification of existing junkyards resulting in added impacts to planned uses in the Town’s redevelopment areas.

RECOMMENDATION(S): Staff recommends denial of the proposed Ordinance based on the issues noted above.

Attachments: Ordinance

PROPOSED ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE IV, SECTION 12-54, NON-RESIDENTIAL PERFORMANCE STANDARD – COMMERCIAL CONSERVATION; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XII, SECTION 12-375, MASTER PLANNED DEVELOPMENTS; AND ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE UNDERLYING LAND USE CLASSIFICATION IS INDUSTRIAL AND THE EXISTING USE IS LEGALLY PERMITTED;

PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code to provide for “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” defined herein, as an existing legal use in the M-3 zoning district when the underlying land use classification is Industrial and the existing use is legally permitted within the Town; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on _____2007; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statutes on _____2007, and on the date of adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

INTENT and PURPOSE: The purpose of this ordinance is to promote the safety, health, and welfare of the public, and to protect the public from health nuisances and safety hazards as set forth in this ordinance. The intent of any future amendments to the Town’s Land Development Code is not to increase the number of additional non-conforming uses allowed in the Town, only to allow those uses currently in the Town to continue as legally permitted uses. Such regulations and review shall ensure that existing heavy industrial uses will not become incompatible with new development and that new development shall provide buffers and site design in light of the existing land uses.

It is the intent of the Town of Davie to recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Town of Davie that all ordinances, regulations, and programs must be developed, promulgated, implemented, and applied with sensitivity for private

property rights and not be unduly restrictive, and property owners must be free from actions of others which would harm their property.

Nothing in this Ordinance will impair or diminish the rights of existing landowners or their successors or assigns to continue the use and enjoyment of their properties consistent with the current land use existing at the time of adoption.

The purpose of the amendment will be to clearly provide for existing “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” as defined herein, uses as permitted uses in the M-3 zoning district when the underlying land use classification is Industrial and the existing use is legally permitted, to ensure their compatibility with the surrounding environment and provide staff criteria by which to review redevelopment plans in accordance with the Town’s Land Development Code.

The intent of the amendment and proposed Ordinance is to balance the needs of existing landowners with the need of the Town to address the future compatibility of development and redevelopment in the Town’s Industrial area, particularly the uses of “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” as defined herein, which were permitted uses under Broward County code that would not be permitted uses under the current Town’s M-3 zoning district.

It is also the intent of the amendment and proposed Ordinance to allow for the expansion of these existing uses within the current businesses operating on land under a Town issued license. Hence, as an example, if an existing “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” as defined herein, has its current business confined to a fifteen acre area on a twenty acre parcel, that business would be permitted to expand or grow its existing business to the remaining five acres. It is not the intent of this amendment and Ordinance to allow for that same 20 acre parcel under a Town issued license to purchase additional land and expand its business onto the newly purchased property.

SECTION 1. The Section 12-24, Statement of purpose and intent of zoning districts, of the Town code is amended to read as follows:

(J)(9) PLANNED INDUSTRIAL PARK (M-3) DISTRICT. The M-3 District is intended to ... M-3 districts are not intended for locations abutting residential property. It shall not be a violation of this Section where existing “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” uses as defined herein, currently or in the future abut residential property.

SECTION 2. Section 12-32, Table of Permitted Uses, of the Town code is amended to read as follows:

(C) BUSINESS PARK AND INDUSTRIAL

GENERAL USE

DISTRICTS

BP M-1 M-2 M-3

Recycling, Scrap Metal Processing,
and Automobile Wrecking Yard

N N N **P**

Recycling, Scrap Metal Processing, and Automobile Wrecking Yard = Existing Recycling, Scrap Metal Processing, and Automobile Wrecking Yards and associated ancillary and accessory uses legally permitted under the M-4 County code are allowed to continue. Any redevelopment shall be required to

adhere to the Town of Davie Land Development Code existing at the time of redevelopment. The term “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” shall be interpreted to be an establishment or place of business which is maintained, used or operated for recycling, processing, storing, keeping, buying or selling junked, dismantled or wrecked automobiles, vehicles and vessels or any parts thereof, including, but not limited to, oils, gasoline and other fluids and materials salvaged therefrom; and old or scrap batteries, construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material.

SECTION 3. The Section 12-33, General Regulations, of the Town code is amended to read as follows:

(A) ACCESSORY USES AND STRUCTURES: (3) In non residential districts except “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” under the M-3 district, all accessory uses and structures, except landscape features, shall be located on the half or quarter of the plot which is farthest from any street or streets upon which the plot abuts. (5) Accessory buildings, except those associated with “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” within the M-3 district, shall not occupy more than fifteen (15) percent of a required rear yard area.

(O) FENCES, WALLS AND HEDGES: (5) Property in a business or industrially zoned district ... finished on both sides with two (2) coats of cement stucco or be constructed of pre-cast concrete, painted to match buildings. Walls shall not extend closer to a street than the required depth or width of yard on the business or industrially zoned property except as may exist at the date of this Ordinance. (9) All masonry screen walls erected in the Town shall be finished on both sides with two (2) coats of cement stucco or be constructed of pre-cast concrete, and painted on both sides.

(Q) GENERAL PROVISIONS PERTAINING TO ALL BUSINESS DISTRICTS: (4) Side and rear yards may be used for parking and loading but may not be used for open storage of materials except behind perimeter walls in “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” under the M-3 district. (5) Outdoor storage of merchandise, except “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” under the M-3 district and except for vehicles displayed in conjunction with permitted vehicle sales activities and live plant material clearly ancillary to the primary commercial activity, shall be prohibited.

(U) NUISANCES: (3) “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” operations which have been in operation for one (1) year or more since its established date of operation and which was not a nuisance at the time of its established date of operation shall not be a public or private nuisance if the “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” conforms to generally accepted “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” operations, activities and management practices. The keeping or the deposition (depositing) on or the storage on the premises of any junk, trash, debris, construction materials not being actively used for construction, abandoned, discarded or unused objects or equipment, including, but not limited to, automobiles, scrap

metal, boats, trucks or buses, stoves, refrigerators, freezers, trailers, etc. shall be permitted within the perimeter walls of “Recycling, Scrap Metal Processing and Automobile Wrecking Yards”.

(X) OUTDOOR ACTIVITIES RESTRICTED: (1) All activities of permitted uses, including but not limited to sale, display, preparation and storage, shall be conducted within a completely enclosed building except as follow:

f. “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” operations & activities provided all requirements of the DEP are met.

SECTION 4. The Section 12-34, Detailed Use Regulations – Standards Enumerated, of the Town code is amended to read as follows:

(Q) INDUSTRIAL ACTIVITIES: In the M-1, M-2, and M-3 districts the following uses are permitted: (3) “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses and activities within the M-3 district only.

(GG) “RECYCLING, SCRAP METAL PROCESSING AND AUTOMOBILE WRECKING YARDS”: Shall include all activities generally associated with “Recycling, Scrap Metal Processing and Automobile Wrecking Yards”, Salvage Yard, Recycling Yard, Auto Wrecking Yard, and Oil Recycling & Reclamation, together with associated ancillary and accessory uses.

- (1) Height. The maximum height of any “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” structure shall not exceed thirty-five (35) feet.
- (2) Hours of Operation: “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” activities shall be conducted after 6:00 a.m. and before 12:00 a.m., Monday through Sunday.
- (3) The minimum lot size shall be 108,900 square feet (2.5 acres).
- (4) Parking: One (1) space for every one thousand three hundred (1,300) square feet of solid roofed area.
- (5) Perimeter Walls: An eight (8) foot high “wall system” shall be constructed around the entire perimeter of the site except at points of access to and from the property. The “wall system” shall be as solid concrete, masonry or pre-cast wall consisting of 40 to 80 foot long segments staggered into the property a minimum of 5 feet. The wall shall be set a minimum of ten (10) feet from property lines and landscaped on the outside of the wall. Alternating wall segments may be constructed of eight (8) feet high Iron or Aluminum fencing with additional landscaping designed to obtain an opaque screen to the on-site activities. The location of the perimeter wall shall not be

placed in the traffic sight triangles as required by the Town of Davie Code of Ordinances and Florida Department of Transportation engineering standards.

- (6) Site Landscaping: Landscaping shall conform to Section 12-107, Landscaping standards for lots and sites as amended herein.
- (7) Site Engineering Improvement: The site must be provided with infrastructure engineering improvements as applicable for conformance with the Florida Department of Environmental Protection, NPDES requirements, and Town engineering environmental standards.
- (8) All toxic chemicals, automobile fluids and petroleum waste must be safely contained and properly disposed.

SECTION 5. The Section 12-54, Table 12-54 Nonresidential performance Standard – Commercial conservation, of the Town code is amended to read as follows:

| Zoning | Min. | Max. | Min. |
|-----------------|-------------|---------------|-----------------|
| District | LSR | Height | Lot Area |
| M-3* | 0.20 | 35' | 1 ac. ** |

**** Minimum lot area for “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” as defined in Section 2 of the proposed Ordinance. shall be 108,900 square feet (2.5 acres).**

SECTION 6. The Section 12-83, Table of Conventional Nonresidential Development Standards, of the Town code is amended to read as follows:

| | Min. | Min. | Min. | | | | Max. | Max. | Min. | Min. |
|----------|---------|----------|-------|---------------|--------|-------|--------|----------|------------|---------|
| | Lot | Lot | Lot | Min. Setbacks | | | Height | Building | Building | Open |
| | Area | Frontage | Depth | Front | Side | Rear | | Coverage | Separation | Space |
| District | (sf/ac) | (ft.) | (ft.) | (ft.) | (each) | (ft.) | (feet) | (ratio) | (feet) | (ratio) |
| M-3 (g) | 43,560 | 150 | ----- | g | g | g | 35 ft. | 40% | ----- | 20% |

(g) Minimum lot area for “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” shall be 108,900 square feet (2.5 acres). Setbacks: Twenty-five (25) feet from all street lines excepting “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” which shall be zero setback from the perimeter wall; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; excepting “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” two hundred (200) feet from all property lines for the manufacture,

storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses. “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” shall not be required to provide any Open Space within the perimeter walls, and landscape standards and open space outside the perimeter walls shall satisfy the Open Space requirements. Additionally, “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” shall be required to provide a minimum of 15% Open Space (landscaped area) within and/or adjacent to any existing or proposed parking areas intended for the public or employees and which shall be in addition to open space provided outside the perimeter walls.

SECTION 7. The Section 12-107, Landscaping standards for lots and sites, of the Town code is amended to read as follows:

(D) Commercial and industrial districts.

2. Requirements for commercial and industrial districts over twenty thousand feet.

- (a) *Tree requirements.* For sites, except “Recycling, Scrap Metal Processing and Automobile Wrecking Yards”, over twenty thousand (20,000) square feet of gross site area, ... shall be planted in an area approximately ten (10) feet wide. “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” shall require ten (10) trees for the first one hundred eight thousand nine hundred (108,900) square feet of gross site area, plus one (1) tree for each additional twenty thousand (20,000) square feet all of which shall be planted on the exterior of the site perimeter wall; Required trees in excess of that which will fit within the area exterior of the site perimeter wall may be planted within Town parks or the equivalent monetary value may be donated to the Town for it’s use for park enhancements.
- (b) *Shrub requirements.* Twenty (20) shrubs for the first twenty thousand (20,000) [One hundred eight thousand nine hundred (108,900) for “Recycling, Scrap Metal Processing and Automobile Wrecking Yards”] square feet of gross site area, plus five (5) shrubs for each additional ten thousand (10,000) [twenty thousand (20,000) for “Recycling, Scrap Metal Processing and Automobile Wrecking Yards”] square feet of gross site area or fraction thereof. For “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” all shrubs shall be planted on the exterior of the site perimeter wall; Required shrubs in excess of that which will fit within the area exterior of the site perimeter wall may be planted within Town parks or the

equivalent monetary value may be donated to the Town for it's use for park enhancements.

4. *Perimeter landscape buffer for commercial and industrial districts adjacent to all other abutting properties.* For “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses, because the landscaping required under paragraph 2 of this Section is being applied to the perimeter of the site, the requirements under paragraph 2 of this Section shall be sufficient to meet the requirements of this paragraph, therefore no additional perimeter landscaping is required.

5. *Required landscape buffer and street trees adjacent to existing public rights-of-way for industrial and commercial districts.* For “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses, because the landscaping required under paragraph 2 of this Section is being applied to the perimeter of the site including that adjacent to existing public rights-of-way, the requirements under paragraph 2 of this Section shall be sufficient to meet the requirements of this paragraph, therefore no additional perimeter landscaping or buffering is required.

8. *Sodding.* All areas not occupied by buildings, walkways, or parking and driveways shall be sodded except for “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses. For “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses, all areas not occupied by a landscape area and lying within a required buffer or outside the perimeter wall shall be sodded and all areas interior to the perimeter wall/required buffer shall not require sodding but may consist of dirt, asphalt and/or concrete.

SECTION 8. The Section 12-208, Requirements for off-street parking, of the Town code is amended to read as follows:

(A) Minimum Requirements: (42) “Recycling, Scrap Metal Processing and Automobile Wrecking Yards”. One (1) space for every one thousand three hundred (1,300) square feet of solid roofed area.

SECTION 9. The Section 12-375, Master planned developments.

(B) *Applicability.* A master development plan is required for any nonresidential use on any parcel of land five (5) or more acres and any residential development consisting of ten (10) or more acres except as listed below. Master development plans shall not be required for one (1) single family home on ten acres of land or more. These regulations do not apply to “Recycling, Scrap Metal

Processing and Automobile Wrecking Yards” under the M-3 zoning district or within the Griffin Road Corridor District.

SECTION 10. The Section 12-503, Definitions.

Recycling, Scrap Metal Processing, and Automobile Wrecking Yard an establishment or place of business which is maintained, used or operated for recycling, processing, storing, keeping, buying or selling junked, dismantled or wrecked automobiles, vehicles and vessels or any parts thereof, including, but not limited to, oils, gasoline and other fluids and materials salvaged therefrom; and old or scrap batteries, construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material.

SECTION 11. “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” shall be maintained to protect the public from health nuisances and safety hazards.

SECTION 12. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 13. If any section, subsection, sentence, clause, phrase, title, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 14. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____DAY OF _____, 2007.

PASSED ON SECOND READING THIS ____DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____DAY OF _____, 2007.

MEMORANDUM

PZ 3-20-07

TO: Mayor and Town Councilmembers

THRU: Gary Shimun, Town Administrator
Mark A. Kutney, AICP, Development Services Director
Bruce Dell, Planning & Zoning Manager

FROM: Ingrid Allen, Planner II

DATE: March 15, 2007

RE: ZB(TXT) 4-1-06 Junkyards

REQUEST:

The petitioner is requesting that the above referenced item, currently scheduled for the April 4, 2007 Town Council meeting be tabled to the May 16, 2007 meeting. This is the second request for deferral.

HISTORY:

At the March 7, 2007 Town Council meeting, ZB(TXT) 4-1-06 was tabled to the April 4, 2007 meeting (Motion carried 5-0).

JUSTIFICATION:

The petitioner has made revisions to its proposed amendment to the Town code. These revisions were submitted to staff on March 13, 2007 which did not provide sufficient time to place the item on the scheduled agendas for the Local Planning Agency (March 14, 2007) and Town Council (April 4, 2007) meetings.

Attachment (Petitioner's letter)

Samuel E. Poole, III
954.627.9918
spoole@bergersingermann.com

March 12, 2007

Marcie Oppenheimer Nolan, AICP
Deputy Planning & Zoning Manager
Town of Davie, Offices of the Town Council
6591 Orange Drive
Davie, Florida 33314-3399

Re: ZB(TXT) 4-1-06/06-58/ "Recycling, Scrap Metal Processing, and Automobile
Wrecking Yards"

Dear Marcie,

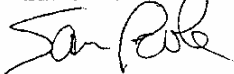
Enclosed is a revised draft of the referenced proposed amendments to the Davie code. Also enclosed is a redlined version showing the changes compared to the draft discussed at the February 14 LPA meeting. I made changes to the "Nuisance" and (HH) operational hours and perimeter walls sections based on our meeting on March 9. I included the requirement that enclosed buildings with no setback from the perimeter wall on a street be built into the wall and include windows.

Since this revised draft is submitted too late to be included in the materials distributed to the LPA for the March 14 meeting, the applicant hereby requests that the matter be continued to the next meeting of the LPA.

Please call me if you have any questions.

Very truly yours,

BERGER SINGERMANN



Samuel E. Poole, III

SEP/vc
Enclosure

687380-1

350 East Las Olas Boulevard Suite 1000 Fort Lauderdale, Florida 33301 Telephone 954-525-9900 Facsimile 954-523-2872

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Appointments

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: Appointments

REPORT IN BRIEF: Appointments required to be made by Council

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): n/a

Attachment(s): List of appointments needed

APPOINTMENTS FOR MAYOR TRUEX

| Item # | | Previous Appointment | # OF MEETINGS | # OF ABSENCES | INTERESTED IN BEING REAPPOINTED? | Appointment to be made |
|--------|---|----------------------|---------------|---------------|----------------------------------|--|
| 13.1.1 | PARKS AND RECREATION ADVISORY BOARD | Douglas Notman | | | | missed more than 50% of the meetings in a 12 month period. |
| 13.1.2 | SENIOR CITIZEN ADVISORY COMMITTEE | Vacant | | | | |
| 13.1.3 | WATER AND ENVIRONMENTAL ADVISORY BOARD | Marlena Mosby | | | | missed 3 consecutive meetings |
| 13.1.4 | YOUTH EDUCATION AND SAFETY ADVISORY BOARD | Mike Holderfield | | | | resigned 10/2006 |

Pursuant to Ordinance 2002-9, a board/committee member who is absent for three consecutive meetings or is absent for 50% or more of the meetings in any twelve (12) month period, is automatically dismissed from the board/committee. If the Councilmember who appointed that person to the board/committee feels that there were extenuating circumstances for the absences and that it is in the best interest of the Town that the person be reappointed, the Councilmember may reappoint that same person to the board/committee to complete the unexpired term of that board/committee member's seat.

APPOINTMENTS FOR COUNCILMEMBER LUIS

| Item # | Previous Appointment | # OF MEETINGS | # OF ABSENCES | INTERESTED IN BEING REAPPOINTED? | Appointment to be made |
|--------|--|---------------|---------------|----------------------------------|------------------------|
| 13.2.1 | AIRPORT/TRANSPORTATION ADVISORY BOARD vacancy | | | | |
| | vacancy | | | | |

Pursuant to Ordinance 2002-9, a board/committee member who is absent for three consecutive meetings or is absent for 50% or more of the meetings in any twelve (12) month period, is automatically dismissed from the board/committee. If the Councilmember who appointed that person to the board/committee feels that there were extenuating circumstances for the absences and that it is in the best interest of the Town that the person be reappointed, the Councilmember may reappoint that same person to the board/committee to complete the unexpired term of that board/committee member's seat.

APPOINTMENTS FOR COUNCILMEMBER STARKEY

| Item # | Previous Appointment | # OF MEETINGS | # OF ABSENCES | INTERESTED IN BEING REAPPOINTED? | Appointment to be made |
|--------|---|---------------|---------------|----------------------------------|------------------------|
| 13.3.1 | AIRPORT/TRANSPORTATION ADVISORY BOARD 1 vacancy | | | | |
| 13.3.2 | MOBILE HOME TASK FORCE - representing a mobile home park owner/manager vacancy | | | | |
| 13.3.3 | PARKS AND RECREATION ADVISORY BOARD Stu Weinstein | | | | resigned 1/2007 |

Pursuant to Ordinance 2002-9, a board/committee member who is absent for three consecutive meetings or is absent for 50% or more of the meetings in any twelve (12) month period, is automatically dismissed from the board/committee. If the Councilmember who appointed that person to the board/committee feels that there were extenuating circumstances for the absences and that it is in the best interest of the Town that the person be reappointed, the Councilmember may reappoint that same person to the board/committee to complete the unexpired term of that board/committee member's seat.

UNSAFE STRUCTURES BOARD

| Item # | | | Previous Appointment | # OF MEETINGS | # OF ABSENCES | INTERESTED IN BEING REAPPOINTED? | Appointment to be made |
|--------|-------------------------|---------|--|---------------|---------------|----------------------------------|------------------------|
| 13.4 | UNSAFE STRUCTURES BOARD | Council | Robin Massa (Real Estate Property Manager) | 0 | -- | No | |
| | | Council | Richard Katz (Plumbing Contractor) | 0 | -- | No | |